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Nostra Aetate and the Covenant: an ill-conceived concept stretched beyond its limits.

Abstract

In 2015, a Commission of the Catholic Church produced a document describing the relationship between Judaism and the Church. This document used the irrevocable nature of the Old Testament covenant which God made with the Jews as the base of its theological argument. I wish to investigate this use of covenant from both Biblical stand point, as well as its use in both conciliar and post-conciliar documents, as it typifies the current direction of theology in the area of Catholic Jewish relations. Thus, in the first section my thesis examines the use of ‘covenant’ in the Old Testament texts, and the rise of covenant as a short-lived organising principle in Old Testament scholarship. In the second, I examine the development of covenant with particular attention to its presence or absence in the Vatican Council’s declaration *Nostra Aetate*, together with other conciliar texts. I trace the development of this covenantal language through the other post conciliar documents concerning the relationship of Judaism to Christianity. I end in the third section by outlining the dangers of using covenant in this manner, and propose a completely different solution to the relationship of Judaism to the Church and to salvation.

My argument throughout the thesis is that covenant is not one single concept. In the Old Testament, there is no single covenant, nor does covenant occupy an unbroken position within Old Testament scholarship up to the eve of the Council. Covenant plays no significant role in the conciliar discussions and the term was not used in the final conciliar documents in a consistent manner. I conclude that the use of ‘covenant’ as the foundational description of Judaism, and thus her relationship to salvation and the Church, is a much later development, and is one whose implications have not been fully considered. I conclude that any theology of Jewish/Catholic relations based on covenant will ultimately fail, as the basis on which the relationship stands (covenant) is not and cannot be, used for that purpose.

I present a modest proposal, radically recasting the connection of Judaism to the Church.

***Nostra Ætate* and the Covenant:**
an ill-conceived concept stretched beyond its limits.

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submitted for the degree of Doctor of Philosophy
department of Theology in the University of Durham

2017

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*I dedicate this work to Our Lady, Saint Mary of Glastonbury;
the Blessed Virgin who contained within herself both Judaism and Christianity.*

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General Introduction

Any moment in time has a limited set of possibilities. This can constrain the human spirit, because our actions are not boundless, or it can reveal to us an opportunity which is fleeting, a chance which is to be seized.

The wide impact of Christianity's history over the whole world shows simultaneously the glory which comes from God, and the sin which comes from His creation. In the context of the Church's relations with the Jewish people, we must say that the Church has not clothed herself too often with the glory of God. But this is the moment when we must strive to do what is right and good. We cannot be limited by the past, nor should we allow it to constrain us. However, we do well to acknowledge and learn from it. This is humanity's great strength.

In the life of the Church, we find ourselves in a point where, in the space of half a century, it seems that the Church has woken up to the Jewish people, and, having first taking small steps, has begun to stride out, forging a new relationship, a relationship of equals and friends. But this cannot simply be based on sentiment. The Church can only advance if she brings with her the whole of her theology. Different sections of the Church's theological life may creak and groan, but there can be no crack or break, without significant consequences.

My thesis comes at this moment. My concern is that the foundations of this new relationship between Christianity and Judaism, are ill-conceived and stretched beyond their limits. If the foundations are not stable, then the edifice will fall. Catholic/Jewish relations have grown in the past fifty or so years, to depend more and more on the concept of covenant, but if that is not integrated into the wider Catholic theology, or if it proves not up to the job, then the damage will be great. In this work, I will investigate the idea of covenant in its own setting, the setting of the ancient people whom God chose as His own, namely the Old Testament. We cannot wrench a term from its context and demand that it fulfils any role we wish. I will also examine where and how 'covenant' is used, especially in the most recent Ecumenical Council when, for the first time, the Church issued a document where she considers the Jews. I will look at the changes and developments in the documents after the Council, and how covenant is being used in the latest document. If it is found wanting, then other ideas will have to be proposed and, seizing the moment, I will tentatively do so.

The reason why this is so important is that the relationship between the Church and Judaism has repercussions around the world, and in the world. We have seen this in the horrors of the past century.

It is not enough to wish away difficult issues, to brush them under the carpet. Catholicism shines through an intricate gauze of intertwined theology. The relationship between Christian and Jew must be in harmony with that, and as this is a new theological endeavour, it must find its own place. What is at stake concerns not only Judaism, but Christianity itself.

This thesis comes from a deep concern for the Church, her theology, and the Jews. Its only concern is to try to find the correct expression of the relationships between the three. Some ideas will accord more, some less. I wish to see where covenant fits on this scale. If it is not good enough, then we must be honest about it, and seek other ideas, other descriptions.

The question I wish to address is whether ‘covenant’ is an adequate basis for a theology of Catholic Jewish relations. I will begin with examining covenant in the Old Testament, to see if that helps us understand the use of covenant as the link between the two faiths. I will then investigate the formation and texts of the conciliar documents to see if the later use of ‘covenant’ is consonant with them. Finally, I will examine the implications of using covenant as the basis of a theological relationship between Judaism and the Church. My thesis is that ‘covenant’ cannot provide the stable description of this fundamental relationship, and will lead to problems in relation to other areas of normative Christianity. I will then propose an alternative way of describing the way in which Judaism is connected to the Church.

Section One

The Old Testament

1.1 Definition of Terms

In this work, I will use certain terms and avoid others. I will follow both current academic convention and the guidelines of the relevant Vatican authorities. The choice of language will inevitably jar with some, but it is used in good faith and it does not rely on personal choice, nor is it intended to be polemical.

I refer to the ‘Old Testament’ throughout. By this I mean the books as defined by the fourth session of the Council of Trent in 1546.¹ The reason for using ‘Old Testament’ as opposed to ‘Hebrew Bible’, ‘Hebrew Scriptures’, ‘Tanakh’ &c. is that although in the first section I am considering Old Testament theology and texts in themselves, in the rest of this thesis the Old Testament finds its place in the wider context of Catholic theology.² Catholic and Christian theology does not view the Old Testament in isolation, and so in using ‘Old Testament’ as a term, I am placing it within a hermeneutical context. For ease, the modern names of the Old Testament books will be used, for example I and II Chronicles in place of I and II Paralipomenon. One possible point of confusion is the numbering of certain Psalms. In the body of the text I will follow the academic numbering convention, while noting the Catholic number in footnotes, if this is needed. I will make no distinction in authority between the books, or sections thereof, in the Catholic canon, and those absent from the current Protestant editions. Where a work is pseudepigraphal, such as the book of Jubilees, then it will be noted.

In accordance with Catholic practice, I will avoid the use of the Divine Tetragrammaton in the text. In English this will be rendered in lower capitals, as ‘LORD’. This follows both the use found in the *Nova Vulgata: editio typica altera*, authoritatively issued in 1986, and the instruction on the use of the Divine Name in the liturgy.³ Where an author has followed a different practice and has used the current translation of the Divine Name, then their version will be reproduced when that author is directly quoted. When a Biblical name has been changed in the Biblical narrative, for example Abram to Abraham, then the final form is used for clarity, unless this would confuse the theological argument.

¹ COUNCIL OF TRENT, *Dogmatic Canons and Decrees*, Illinois, 1977.

² The position of the Old Testament within modern Catholic theology is clearly set forth in the Vatican II conciliar text *Dei Verbum*. A persuasive argument against using terms interchangeably is found in J. F. A. SAWYER, ‘The Bible in Future Jewish-Christian Relations’, in J. K. AITKEN & E. KESSLER (EDS), *Challenges in Jewish-Christian Relations*, New York, 2006, p.40. For an argument from pedagogy see S. GOLDMAN, ‘The Problem of the Two Testaments: Pedagogical Motives for Shifting from “Old Testament” to “Hebrew Bible”’, in *College Literature*, 20/2, 1993, pp.206-213. I generally follow the reasoning put forward in “Notes on the correct way to present the Jews and Judaism in preaching and catechesis in the Roman Catholic Church” issued on 24th June, 1985, by the Commission for Religious Relations with the Jews, “We continue to use the expression Old Testament because it is traditional (cf. already 2 Cor 3:14) but also because “Old” does not mean “out of date” or “out-worn”. In any case, it is the permanent value of the O.T. as a source of Christian Revelation that is emphasised here (cf. *Dei Verbum*, §3).”

³ Congregation for Divine Worship and the Discipline of the Sacraments, 29th June 2008, Prot. N. 213/08/L. For the English text, see http://www.liturgyoffice.org.uk/Resources/Scripture/Name_CDW.pdf

The Biblical texts used are the *Nova Vulgata* (1986),⁴ the *Septuaginta* edited by Alfred Rahlfs (1979),⁵ and *Biblica Hebraica Stuttgartensia* (BHS), *editio quinta*, 1997. Unless otherwise noted, English translations in the text follow the Revised Standard Version, second Catholic (Ignatius) Edition (2006).⁶

⁴ *Nova Vulgata: Bibliorum Sacrorum Editio, editio typica altera*, (1986), http://www.vatican.va/latin/latin_bible.Html. Where the Clementine Vulgate is used for comparison, this will be noted.

⁵ *Septuaginta: Id est Vetus Testamentum graece iuxta LXX interpretes*, A. RAHLFS (ED.), Stuttgart, 1979.

⁶ This translation follows from the RSV Catholic Edition (1966) but revised in accordance with *Liturgiam Authenticam*, http://www.vatican.va/roman_curia/congregations/ccdds/documents/rc_con_ccdds_doc_20010507_liturgiam-authenticam_lt.html

1.2 The Search for a Theme

When looking at the Old Testament, it would seem natural to suppose that it has a certain coherence within it. We approach the text with a preconceived idea of what it is and what it is saying. We know that the Old Testament is found at the beginning of the Bible and concerns God and the Israelites until the coming of Christ. This simplistic view, of course, just assumes a stable text of accessible meaning which finds its fulfilment elsewhere, namely the New Testament. This view of the Old Testament prioritises the historical sections of the Old Testament and marginalises the types of material found therein. This is a linear/historical way of looking at the text, and is also very much a Christian way. The Old Testament is the historical account of the people of Israel until the coming of Christ, and the other sections are images and foreshadowings of the Saviour who is to come. This Christian hermeneutic was the scholarly norm until the Enlightenment. Then we find within studies of the Old Testament a need to engage more critically with the text. In the seventeenth century Spinoza wrote on the subject of the freedom of philosophy and the freedom of the state, in both its political and theological forms. In doing this he proposed a new approach to the Old Testament text. Arguably his *Theologico-Political Treatise* of 1670 marks the beginning of modern Biblical interpretations.⁷ He started with the meaning of the text itself, supposedly without preconceived theological guidelines for interpretation. He proposed setting to one side the assumption of divine authorship, arguing that this made the text closed to intellectual investigation, and rather concentrated on the historical method of inquiry, which he thought would open up the text.

The Universal rule, then, in interpreting Scripture is to accept nothing as an authoritative Scriptural statement which we do not perceive very clearly in the light of its history.⁸

This method of enquiry gained further prominence in the eighteenth century when J. P. Gabler gave his inaugural address at the University of Altdorf in 1787. He highlighted the importance of distinguishing between the theological subject and the religious subject when looking at the Old Testament; the theological subject concerned the theology of the Biblical writers, the religious subject the religion of the churches.

There is truly a biblical theology, of historical origin, conveying what the holy writers felt about divine matters; on the other hand there is a dogmatic theology of didactic origin, teaching what each theologian philosophises rationally about divine things,

⁷ J. S. PREUSS, *Spinoza and the Irrelevance of Biblical Authority*, Cambridge, 2001.

⁸ B. SPINOZA, 'Tractatus Theologico-Politicus', in *Opera III*, Heidelberg, s.d., Chapter vii, line 30. Translation from R. H. M. ELWES, R. H. M., *The Chief Works of Benedict de Spinoza*, New York, 1951, "Regula igitur universalis interpretandi Scripturam est, nihil Scripturæ tanquam ejus documentum tribuere, quod est ipsius historia quam maxime perspectum non habeamus."

according to the measure of his ability or of the times, age, place, sect, school, and other similar factors.⁹

Although we may argue about the influence such individuals may or may not have had on Old Testament scholarship as a whole, we cannot deny that they form the background for the great movements in the nineteenth and twentieth centuries. In many ways we may see this as the division between faith, as an organised set of propositions, or as an underlying way of approaching the text, and ‘academic scholarship’. This, in many ways, remains a constant challenge and tension in university theology departments.

In approaching the first section of this thesis, I will consider the following. First, the various schools of critical methods; source criticism, form criticism and then traditio-historical criticism.¹⁰ I am aware that these by no means exhaust the work of Old Testament theologians until the 1960s, but they form the main trajectory in Old Testament scholarship of the period. Second, I will consider in turn Gerhard von Rad and Walther Eichrodt. The reason I have chosen these theologians is because of the distinctive organisational principles which they use in their Old Testament scholarship, as well as their continued influence in Old Testament studies. I will consider the place of covenant within their respective theologies. Third I will briefly examine the work of Paul van Imschoot, who wrote as a Catholic Old Testament theologian on the cusp of the 1960s. This seems a practical approach, even allowing for its limitations, so that we can delineate the place of ‘covenant’ in mainstream Old Testament theology up to the eve of the Second Vatican Council.

Let us turn first to the critical schools. The towering figure of nineteenth century Old Testament theology was Julius Wellhausen. His *Prolegomena to the History of Ancient Israel*, first published in 1878, went into many subsequent editions: its influence was immense.¹¹ Wellhausen was not the first to look critically at the text of the Old Testament. In his thesis of 1805, de Wette proposed a connection between the law book found by Josiah in the Temple and the book of Deuteronomy,¹² but Wellhausen’s ability to organise his own theories and those which had gone before him, proved to last much longer. Wellhausen and his critical method became, for a period, the paradigm with which to approach the Old

⁹ J. P. GABLER, *De justo discrimine theologiae biblicae et dogmaticae regundisque recte utriusque finibus*, translation found in J. JOHN SANDYS-WUNSCH, & L. ELDREDGE, ‘J. P. Gabler and the Distinction Between Biblical and Dogmatic Theology: Translation, Commentary, and Discussion of His Originality’, in *Scottish Journal of Theology* 33 (1976), p.137.

¹⁰ See also J. G. PRIOR, *The Historical Critical Method in Catholic Exegesis*, Rome, 2001, for an overview of the historico-critical method of exegesis.

¹¹ The modern assessment of the influence of Wellhausen, in relation to modern attitudes to Judaism is negative. See, for example, C. M. WILLIAMSON, *A Guest in the House of Israel*, Louisville, Kentucky, 1993, pp.117-119.

¹² However, see J. W. ROGERSON, W. M. L. *de Wette: Founder of Modern Biblical Criticism*, Sheffield, 1992, p.42, who downplays this assumption. Indeed, de Wette seems to say that it is almost impossible to access any history of the Ancient Hebrews through historical criticism.

Testament text.¹³ Wellhausen's importance came from his ability to describe succinctly what became known as the Documentary hypothesis of J, E, D, and P, and their composition through time. Wellhausen put forward his theory that the Old Testament was the result of an amalgamation of various sources. In his system, the two sources, 'J' (based on the source's use of the Tetragrammaton, which Wellhausen dated around 950 BC) and 'E' (based on a preference for referring to God as *'lōhim*, which he dated to around 850 BC), were woven together during the Babylonian Exile to form the composite work JE. Again during the same Exilic period, a further redactor added 'D', the Deuteronomic Code. According to Wellhausen, this Deuteronomic work had been written in Jerusalem before the Exile around the year 600 BC. The resulting text JED was completed with the addition of 'P', the Priestly source, written during the Exile around 500 BC. Wellhausen's theories depended on development in two different senses of the word. The first was that the texts themselves had developed over time as a tapestry made up from the different sources. Much of what came later in Old Testament studies was simply an attempt to describe the content of the sources J, E, D and P, or was an argument about the process of their final composition to form the biblical text itself. The process of development and the basic texts which had been used became the object of scholarly enquiry. Of course, this documentary hypothesis was not without its critics,¹⁴ but it allowed Old Testament scholars to examine not only a final text, but also hypothetical, reconstructed sources. However, we could argue that this had come to be an end in itself. The second sense of development for Wellhausen was his view that the religious sensibilities of individuals and groups changed through time. Out of this he was able to propose the late dating of the Priestly source. The concerns of ritual, cult and priesthood, for Wellhausen, together with the move from collective to individual piety, could only have come about after a group had sufficiently developed in its sense of itself and in its relation to the divine.¹⁵

Wellhausen's fundamental belief was that it was possible to get behind the texts as we have them and gain an insight into what happened in ancient times. By isolating the various strands which had gone into making up the Old Testament, he could gain a knowledge of what happened. Whereas the historico-critical method prioritised the development of final form texts through history, source analysis allowed the various voices of the Old Testament to be heard again. It aimed to provide, as far as possible, a reconstruction of the history of Israel.

It is necessary to trace the succession of the three elements [JE, D and P] in detail, and at once to test and to fix each by reference to an independent standard, namely the inner

¹³ For an account of pre-Wellhausen Old Testament theology see J. W. ROGERSON, *Old Testament Criticism in the Nineteenth Century: England and Germany*, London, 1984.

¹⁴ See U. CASSUTO, *The Documentary Hypothesis and the Composition of the Pentateuch*, Jerusalem, 1961, first delivered in 1940. For a more recent critic, see R. N. WHYBRAY, *The Making of the Pentateuch: A Methodological Study*, Sheffield, 1987.

¹⁵ J. WELLHAUSEN, *Prolegomena to the History of Ancient Israel*, Edinburgh, 1885, p.11.

development of the history of Israel so far as that is known to us by trustworthy testimonies, from independent sources.¹⁶

A further feature of Wellhausen's assumptions was that Israel's religion was essentially a natural religion which was then changed and developed under God's action. This will have certain implications for his theology.

Here, we do not want to provide a history of the development of critical Old Testament scholarship, but rather the place of 'covenant' within the major players of Old Testament studies. We must begin by saying that Wellhausen does not dwell too much on covenant as a term. In *Prolegomena*, the section 'The Idea of the Covenant' occupies only three pages. However, covenant is not limited simply to the section ascribed to it, for covenant is an essential part of Wellhausen's Old Testament theology. Covenant provides the basis of the Priestly code, and so, in Wellhausen's description, the covenant must predate its priestly codification. The Book of the Four Covenants (which Wellhausen calls Q after Latin for four – *Quattuor*) was used by P and woven into the Hexateuch.¹⁷ These four covenants were those which God had made with Adam, Noah, Abraham and with the people of Israel as a whole under Moses at Mount Sinai. According to Wellhausen, it was through this that P maintained a historical grand schema where epochs were marked by covenants and covenantal signs: the Sabbath, the rainbow and circumcision.¹⁸ In this way the whole of creation, for P, culminated in the covenant at Sinai.

It may be tempting to think that for Wellhausen covenant was a central theme in the Old Testament, weaving together the various sources and being presented as an overarching framework in the Priestly source. However, this idea is actually impossible under Wellhausen's construction of history. He believed that the concept of covenant developed late in Israel's history, and as such it was not to be found in writing of the early prophets. Had covenant been a foundational element in the historic religion of Israel then it would have been detectable in these early sources. But, remembering that Wellhausen's basic view that Israelite religion was a natural religion which had developed over time, not only was covenant not present, for Wellhausen it was impossible that it could have been there, because Israel's belief system at that point had not sufficiently developed.

¹⁶ *Ibid.*, p.12.

¹⁷ For discussion of the use of the term Q as opposed to P^G, and the various stages in the composition of the Priestly source, see E. NICHOLSON, *The Pentateuch in the Twentieth Century: The Legacy of Julius Wellhausen*, Oxford, 1998, pp.17-21.

¹⁸ J. WELLHAUSEN, *op. cit.*, p.338, "The history of the first men and of the patriarchs is divided by the Priestly Code into three periods each of them opened by a covenant. The covenant with Adam (Gen. i. 28-ii. 4) is the simplest; it is not called a covenant but is the basis for the second covenant with Noah (ix. 1-17), which modifies it in important particulars, and brings it nearer to the present age. The covenant with Abraham (Gen. xvii), which alone is ratified with the succeeding patriarchs, does not apply to the whole of mankind, but only to Abraham's seed, and especially to Israel. The first sign of the covenant is the Sabbath (Gen. ii. 3; comp. Exod. xxxi. 12 seq.; Ezek. xx. 12, 20), the second the rainbow (Gen. ix. 12), the third circumcision (xvii. 10)."

Wellhausen thought that the natural state of affairs had been the guidance and help of God for the people in the beginning, but that this, over time, had become more and more exacting. No longer was God's action a word of encouragement, it had become a word of command. "In this way arose, from ideas which easily suggested it, but yet as an entirely new thing, the substance of the notion of covenant or treaty."¹⁹ Covenant in this sense is not essential to the relationship of Israel with her God, rather, covenant becomes a handy term, to describe this new relationship. The natural relationship had been transformed by the experience of prescriptions and commands, and was now to be described as a covenant: a term not designed for it, and most certainly not ideal. The idea was taken from the world of international treaties and was essentially, for Wellhausen, a two-sided bargain, a contract or agreement with conditions and obligations. Wellhausen could fit this readily into the period of the later prophets who then could begin to use the idea of covenant to explain, and through such explanation modify, the relationship between the LORD and His people. This was the method Wellhausen used to explain that ברית (covenant) was found only in the later sources.

As the time of the old prophets passed, the idea of the covenant had become more and more fixed in the minds of the ancient Israelites, especially as foreign influences challenged Israelite belief and practice. But it was only really with the rise of D, the Deuteronomist, or Deuteronomistic school, that ברית was applied in a systematic way. "After the solemn and far-reaching act by which Josiah introduced this law, the notion of covenant-making between Jehovah and Israel appears to have occupied the central position in religious thought..."²⁰ and, following de Wette, Wellhausen assumed that this document of Josiah was the scroll of Deuteronomy. Only at that point in the constructed historical narrative, namely the finding of Josiah's scroll, did covenant become the defining element in the Israelite religion.

As a definition of the Israelites' relationship with their God, in Wellhausen's system P binds all of these strands together and provides not only a systematic narrative, but also one reinforced by cult. Whereas covenant had gained a certain prominence by the time of the prophets, if not as a term, then as an idea, now, under the guiding hand of P, covenant was expanded and retrojected into the period of the Patriarchs, and most importantly of all, into the events of Sinai. Cultic practice reinforced and upheld by covenant became in the post-Exilic period the *sine qua non* of identity in the Priestly narratives.

Thus, we can identify two issues. First, we can see that although covenant may have held an important place in some of the sources, Wellhausen was constrained by his fundamental view that the natural religion of Israel and its relationship with God was only developed and codified in later ages. For him, as we have seen, this process began with the use of covenantal language, and then the use of covenant

¹⁹ *Ibid.*, p.418.

²⁰ *Loc. cit.*

as a defining term. Covenant was part of this development. For Wellhausen, however, this did not necessarily come from the evidence of the text, but from his own presuppositions. The second issue is that Wellhausen was limited by the system that he created. He tried to understand the theology, and to an extent the history, behind the sources which he identified, but he could never go any further. His oldest texts are the limits of his investigation. No matter what Wellhausen was interested in, his historical construction could never look behind the texts themselves.

Though Wellhausen's work in promoting the source hypothesis has been of immeasurable importance to Old Testament studies generally, the position of covenant in his theology is naturally and necessarily prescribed by it. Even though covenant may have become increasingly important in later sources, Wellhausen can only ever describe it in terms of a stage in the development of that source. It does not say anything essential about the relationship of Israel with her God.

We can readily see the limitations to Wellhausen's work. The theologians who followed him relied on his Old Testament scholarship and the source theory, but seeing the restrictions it imposed, they moved their own focus and attention in different ways.

One such was the rise of the 'History of Religions' school. This developed from Wellhausen and went beyond the texts themselves. Theologians such as Herman Gunkel, working in the early decades of the twentieth century, looked at certain themes and language in the Old Testament and, following the fields of anthropology and sociology, saw a picture of the religion of Israel. This was in comparison to, and in the light of, other faith systems in the Ancient Near East. This process identified common types, or forms, of Old Testament material, be they ritual, liturgical, credal or law. These types served a function in the society which spoke and heard them. Gunkel's great insight was to observe that before the text was committed to writing it had already existed in an oral form. Thus, the life of the texts was not limited to their written history. The fundamental questions Gunkel asked in his theological method continue to be of importance: who was speaking, who was listening, what was going on around (the *Sitz im Leben*) and what was the desired effect?

This 'form criticism', however, needs a form to identify. To do this, it demands a comparative element in the study of the Old Testament. Common types need to be discussed and identified, so that they can be brought up against the Old Testament text. Thus, the History of Religions school looked to other comparable religions in the Ancient Near East. Without them there was no access to the meaning behind the forms which had been identified. No longer could we focus only on the individual strands which made up the Old Testament, now we could look at different sections, phrases, words even, and under the microscope of form criticism, perceive dimly the reality behind the text. In form criticism the

theologian looked behind the texts to comparable examples from other religions, so as to illuminate the Old Testament text from which they had begun.

Concerning covenant we can immediately see the problems that form critics face. An *a priori* decision needs to be taken concerning the relationship between the Old Testament covenant and covenants in other Ancient Near Eastern settings. Either they will share a common form, in which case the Ancient Near Eastern covenant will be able to inform the reader about the relationship between Israel and her God, or they do not, in which case the covenants in the Old Testament are so different that any comparison, while perhaps shedding light on some of the obscure sections and practice in the covenant ceremonies etc., is ultimately of limited value. Form criticism must first identify stable Ancient Near Eastern covenantal form/s, and then map it/them onto covenant forms in the Old Testament. Further, form criticism must assume that such a mapping of form will bring with it an overlap of meaning from the Ancient Near East to the Old Testament. Both of these, the identification of the form, and the mapping of the form onto the Old Testament texts, are processes fraught with difficulties, and inasmuch as they have been attempted by Old Testament theologians, they have been challenged, modified, abandoned and all points in between.

In 1954 George Mendenhall published two articles, which eventually became a foundational work on Ancient Near Eastern covenant treaties and their relationship with the Old Testament.²¹ In *Ancient Oriental and Biblical Law*, Mendenhall placed the rise of covenant and its meaning at a specific era in Israel's history (which, of course, he had constructed). He examined the Ur-Nammu, Hammurabi, Hittite and Assyrian codes and placed their composition, with certain qualifications, at moments of historical tension: the beginnings of new empires, expansion of empire, independence from other empires or periods of transition.²² Having identified an Ancient Near Eastern form Mendenhall then paralleled this with what he believed happened at specific moments in the Old Testament chronology. He examined the first coming together of the tribes of Israel at Shechem, the expansion of Israel through the inclusion of Canaanite tribes, and the merging with older familial groups who had stayed in the land and not gone down into Egypt and who traced their lineage back to the Patriarchs.²³ Mendenhall saw parallels between these Ancient Near Eastern covenants and the Decalogue and Covenant Code. In *Covenant Forms in Israelite Tradition*, he used the Ancient Near Eastern form of the suzerainty treaty as the model for the relationship between the LORD and His people. This, he thought, would solve the problem of how an event could bring about both a binding together of the tribes and at the same time deliver an appreciation of the LORD as 'one' who also demands ethical and moral norms.²⁴

²¹ G. MENDENHALL, 'Ancient Oriental and Biblical Law' and 'Covenant Forms in Israelite Tradition' in *The Biblical Archaeologist*, Vol. 17, Nos 2 & 3, pp.25-76.

²² *Ibid.*, p.33.

²³ *Ibid.*, pp.35-36.

²⁴ *Ibid.*, pp.51-52.

I do not intend here to provide a critique of the particular arguments of Mendenhall. It may seem that through the History of Religions approach we have a way of showing that covenant was at the basis of Israelite society from the very beginning, both between the tribes themselves, and between the tribes collectively and the LORD. However, Mendenhall's work was never accepted as a whole, and although Ancient Near Eastern parallels concerning covenant find their way into most Old Testament theologies, they are always qualified.²⁵ Part of the basic problem lies in identifying covenant treaty forms in the Old Testament and then paralleling them to Ancient Near Eastern forms. Whereas Mendenhall predominantly used one type of covenant or suzerainty treaty, there is no logical reason why others could not be used, and indeed why he should primarily use, as he does, the Hittite parallels. With each different type of treaty comes a different classification of material within the Old Testament to construct the parallel, and this brings with it a consequent change in the meaning of covenant between Israel and the LORD. The subjective selection of texts which are examined necessarily shapes the conclusions which are drawn.

McCarthy, in *Treaty and Covenant*, raises these issues and, using form criticism against itself, makes a further distinction between covenant formulæ and the covenant being described.

It must be noted that *covenant* and *covenant genre* are not the same thing. *Covenant* has a wider meaning, for it can refer to any agreement or union among parties, and it need not have any verbal expression at all. A handclasp or a meal in common may constitute a covenant. *Covenant genre* on the other hand is used to describe the manner of expressing or recording in words a covenant...²⁶

The point is that the History of Religions school, by using parallel forms has to make decisions which prejudice the outcomes of their investigation: they decide which form to use and then find that source form, or an approximation to it, in the Old Testament. There can also be a gap between the form they are describing and the reality to which it points. In effect, what does a Hittite treaty tell us about Israel and her God? Furthermore, the emphasis placed on the *Sitz im Leben*, which is essential to form criticism, is at best a speculative reconstruction, of which there are as many as there are theologians.

What the History of Religions and form criticism did was deliver a greater appreciation of covenant as a 'normal' type of interaction between god/s and people. As both of these processes, however, were limited and neither gave covenant any stable or fixed place in Old Testament theology, we now move to their sister discipline, traditio-historical criticism. We will consider this through the theology of Martin Noth, one of its greatest proponents. His work began in the 1930s and 1940s. Form criticism attempted to discover the history behind the texts by the process of seeing how these texts changed and

²⁵ For a critique of Mendenhall's work see D. J. MCCARTHY, *Treaty and Covenant*, Rome, 1981, pp.1-153.

²⁶ *Ibid.*, pp.10-11.

developed through time. Noth used the insights of source and form criticism to reconstruct the literary/oral progress from small sections, songs and stories, to larger units which had a narrative nature, and finally to the overarching broader narrative of the nation and its God. In this process, we can see that Noth had the opportunity at each stage to construct a history appropriate to the time and place of each element. The snippet of song exists in such and such a place at a certain time, and was incorporated into a larger section at another moment for another purpose, and finally found its place in the grand story of Israel.

If Noth were able to carry this out for covenant, then we would have access to the concept not only at one snapshot in time, but throughout Israel's history, indeed until the final form of the text. Moreover, if covenant were a defining element of Israel and her relationship with her God, then we should see its prominence in each age. The development of covenant from the earliest days, through different stages and different hands, would give an extraordinary insight into the way Israel understood herself and her relationship to her God.

In order to understand Noth's contribution we must bear in mind that he was trying to describe the history of the people of Israel. It is only through this that he could hope to understand her unique nature. For this process to begin at all, history had to be reconstructed to have access to the interaction of God with His people.

...in spite of all these historical connections and possibilities for comparison, 'Israel' still appears a stranger in the world of its own time, a stranger wearing the garments and behaving in the manner of its age, yet separate from the world it lived in... that at the very centre of the history of 'Israel' we encounter phenomena for which there is no parallel at all elsewhere...²⁷

For Noth, then, history was the key to understanding covenant, and covenant was in turn an element of Israel's identity in relation to God.

Noth had rejected the historicity of the Biblical account of the Patriarchs, the sojourn in Egypt, the Exodus, and entry into the land of Canaan, but he needed to construct a version of history which for him was in accord with the sources as he had reconstructed them. Further, this had to account for elements within the history of Israel which stood out as actual historical fact. Concerning covenant, he did this by proposing a number of different, and separate covenants with different groups of people, which then came together at the 'ancient Israelite amphictyony'.²⁸ The defining moment in this amphictyony was the twelve tribes being brought together by Joshua at Shechem to make a covenant

²⁷ M. NOTH, *The History of Israel*, London, 1960, pp.2-3.

²⁸ *Ibid.*, p.88.

with God.²⁹ Noth's theological system is well illustrated by seeing how, having dispensed with the Biblical reason for there being twelve tribes, he had to reconstruct a similarly shaped community. Noth instinctively lays the biblical account to one side, but must put something in its place which is connected with that very same account. Of course, this gives him the opportunity for inserting a creative reconstruction, but it would always have to be at least anchored in the Old Testament text. The basis of this twelve tribe amphictyony was a cultic celebration which would have followed a lunar calendar, based around one of the tribes' travelling shrines, the Ark. The lunar calendar demanded a six or twelve tribe model, so that they could take turns in cultic service. This became a yearly, or seven yearly covenant renewal ceremony, by which the tribes renewed their bonds to each other.³⁰ However, the cultic celebration was primarily religious, as through this religious act the relations with each other were safeguarded.

If this regular covenant renewal ceremony at a central shrine was one end point for Noth (even though that shrine seems to have moved from time to time), this did not encompass the whole concept of covenant, because in Noth's ceremony, the different groups brought their individual covenants to the Shechem table. Sinai, however, was given pride of place.

Consequently the twelve-tribe confederacy traced back its relationship with Yahweh, and so its own existence, to the unique experience of a covenant made between Yahweh and Israel, and so to a personal entry into a relationship between God and people, described by an image taken from a form of human judicial agreement called a covenant.³¹

Noth defends the primacy of the Sinai covenant, and all other covenants, even if they refer to times earlier than Sinai, such as the Patriarchal or Noahic, 'are traditio-historically secondary to it.'³² The experience at Sinai, which Noth traces back to an actual historical event,³³ was based on the "terrifying theophany".³⁴ However, through his theological method Noth distinguishes a number of different stages in transmission, or weaving together. The oldest section is a covenant meal,³⁵ then the theophany and finally the Decalogue.³⁶ Thus, we can see that for Noth, even the covenant at Sinai was open to development. Noth puts forward the view that the covenantal relationship existed before it became a bearer of the law. This element, the law, came later and was inserted into the Sinai narrative. The motivation for this was the rise of the Deuteronomists and the re-acceptance of the laws in the time of Josiah, cultically expressed in the same covenant renewal ceremony. Here we can see the influence of

²⁹ *Ibid.*, p.92. The reference is to Joshua 24.

³⁰ *Ibid.*, p.105.

³¹ *Id.*, *The Laws in the Pentateuch and Other Essays*, Edinburgh, 1966, p.38.

³² *Ibid.*, p.36

³³ *Id.*, *The History of Israel*, p.127.

³⁴ *Id.*, *Exodus: A Commentary*, London, 1962, p.153.

³⁵ *Id.*, *The Laws in the Pentateuch and Other Essays*, p.39.

³⁶ *Id.*, *Exodus: A Commentary*, p.154.

Wellhausen and the earlier Old Testament theologians. With the fall of the Northern and Southern Kingdoms, the covenant had been rejected by the Israelites as they had not fulfilled the moral and ethical demands of the law. Because of this, the protection of the LORD had been withdrawn.³⁷

For Noth, covenant in the post-exilic period showed an inversion of the previous theological process. Before being a member of the amphictyony meant keeping the laws, now keeping the laws meant being a member of the community. Thus, law and covenant became intertwined. Noth uses the example of Psalm 119,³⁸ the great meditation on the law, which contains no mention of covenant at all.³⁹ Similarly P, who for Noth were simply redactors, make no new use of covenants,⁴⁰ except to stress the separate themes of Sabbath and circumcision.⁴¹

Before turning to von Rad and Eichrodt, we may say that covenant plays an important role in the theologies of the Old Testament written at this time. Fundamentally covenant was based on a theophany at Sinai with one group of people, and as the amphictyony was formed, it gathered to itself other traditions, such as the Exodus tradition and the Patriarchal traditions. It gained life, however, in the liturgical setting of the covenant renewal ceremony, uniting the tribes, but uniting them under the LORD. To this was added at various times, ethical and moral laws, and with the exile, the covenant, still the renewed covenant at Sinai, became the reality that existed by the keeping of the law.

There is a strong narrative thread running through Noth's theology and this will influence those who follow him, but his theology is circular, inasmuch as he needs to reconstruct history to see how Israel was different from those around her. To do this, Noth had to rely on the very things that mark her difference. Noth's aim is not to describe how covenant marks and shapes Israel, but rather how the historical formation of Israel is reflected in her understanding of covenant. Thus, covenant becomes a cypher for something else – namely the reconstruction of history. Covenant is a means to an end. The end is the writing of a history of Israel, in which covenant is one element, but it is not the element. To this we must also add that Noth's understanding of covenant was shaped by the history that he created to house it. There is nothing in the texts which point to the amphictyony which Noth constructs, neither is there a focus on the Ark as a central Shechem cult object, nor indeed any primacy of Shechem as a cultic place. He passes over the problem of the silence of 'covenant' in the prophets and moves seamlessly to the finding of the law, and thus the importance of covenant, with the Book of Deuteronomy. Covenant is simply a tool to be used in Noth's theology. Covenant, then, is not at the

³⁷ ID., *The Laws in the Pentateuch and Other Essays*, p.65.

³⁸ Vulgate Psalm 118.

³⁹ *Ibid.*, p.91.

⁴⁰ *Ibid.*, p.92.

⁴¹ ID., *The History of Israel*, p.297.

centre of Noth's Old Testament theology, however within that theology, covenant plays an interesting, though not decisive, part.

From this approach to Old Testament theology (the identification of sources, forms and traditio-history) we can say that the position of covenant becomes increasingly important, but is unstable. There can be no doubt that covenant exists and is something which identifies Israel to a certain extent, but the very nature of source criticism and form criticism after it, made access to 'what it meant' almost impossible. With a text increasingly dissected into verse and half verse, what was the organising principle, the defining marker for inclusion or exclusion into this source or that? And with the rise of form criticism and the comparison with the Ancient Near East, the theologians were faced with reconstructing texts from here and there, fitting them into a pattern which they may or may not have resembled, to shed light, or otherwise, onto Israel's relationship with her God. Finally, having blown apart a narrative account of history as it was presented in the biblical text, traditio-history gave covenant an honoured place, but a place that was speculative at best, with no surety of truth. Covenant was always open to the vagaries of the historical narrative which the theologians had written.

From this moment in Old Testament study, we turn now to the theologies of Gerhard von Rad and Walther Eichrodt.

In different ways, both of these men tried to heal the rift between the academic study of a text, and the text being a book of faith. If the critical schools could lead to relativizing the Old Testament in relation to other Ancient Near East civilizations, then Eichrodt and von Rad attempted to organise their theology in a way which tried to guard against such a process. Neither of these theologians began with a *tabula rasa* but worked they solidly in the critical method, with von Rad, especially, being noted for his work in the historico-critical school. However, the contributions that they made can be seen in the longevity of their work and ideas.

Gerhard von Rad's major theological output was from the late 1940s to the 1960s. He saw that the Wellhausenian method for the identification of sources only gave limited access to the Old Testament. The examination of parts of Old Testament texts in isolation, though interesting and capable of serving a greater purpose, would neither lead to an overall understanding of what the Old Testament was 'about', nor would it give insight into the reasons why these texts had been compiled in a particular way, nor indeed the purpose of their overall structure. Form criticism had tried to look behind the source texts, and through traditio-history, Noth *et al.*, had tried to construct the sources' development through time, and thus enter into their history. But von Rad now posed another, deeper, question: what was the sources' fundamental purpose?

Von Rad tried to define the role of the theologian in this way,

The subject matter which concerns the theologian is, of course, not the spiritual and religious world of Israel and the conditions of her soul in general, nor is it her world of faith, all of which can only be reconstructed by means of conclusions drawn from the documents: instead, it is simply Israel's own explicit assertions about Jahweh.⁴²

Von Rad was not looking for a simple reconstruction, nor even of the faith behind such a reconstruction, but rather the fundamental faith as expressed in Israel's statements themselves. By his examination of the sources of the Hexateuch, von Rad saw that the purpose of such statements of faith was to construct a grand narrative, and to relate the story of the history of Israel's redemption through the saving acts of her God. This, he argued, was done through the exposition of a creed. Identity came by the enactment of credal statements. For von Rad, the centre of these credal statements was the confession of Deuteronomy 36.5, "A wandering Aramean was my Father..." He argued that these historical traditions had been kept alive through cultic actions, and, although they had been modified over time as the need arose, their essential testimony remained the same. Their purpose was not some existential cry about identity in an abstract sense, rather it was an explanation, in cultic form, of the existence of Israel, here and now. What connected these elements, these statements, together was not simply that they concerned Israel, but rather that they concerned the LORD's dealings with His people in history. These von Rad referred to as *Heilsgeschichte*, 'saving history'.

Inasmuch as the Old Testament, in von Rad's eyes, was a historical book relating the history of Israel, so theology must fundamentally be a historical exercise. However, von Rad avoided the classic tradition-historical impulse of trying to reconstruct that history. Even though he described a series of events, von Rad did not believe that these were necessarily events in real history. If Noth had been seeking *Historie*, von Rad said that the Old Testament was talking about *Geschichte*.⁴³ Von Rad put forward the idea that the Old Testament grouped together instances where the LORD had acted in similar ways in the history of Israel, and clustered them together to elucidate their meaning. If this were the case then the Old Testament approach to what had happened in Israel's past was much richer than a mere re-telling of a series of linear events. *Heilsgeschichte* became the principle way of looking at the Old Testament. While von Rad avoided anything that resembled over-systematising the Old Testament, *Heilsgeschichte* allowed him to look at the texts afresh and try to see not what happened, but rather what the description of those events within the text was bearing witness to.

⁴² G. VON RAD, *Old Testament Theology*, vol. I, London, 1989, p.105.

⁴³ I am using the terms thus: *Geschichte* refers to stories, tales, and myths which may have happened and which have meaning for a particular group. *Historie* refers to facts which can be validated by modern norms of academic historical standards.

Where, then, does covenant fit into this ‘saving history’? Covenantal rites were an important way in which the people had been gathered together to gain the new identity as ‘God’s own possession.’ No matter what their source, von Rad argued that rites were renewed at a New Year Festival.⁴⁴ As the central pole of his approach was credal confession, von Rad had to face the problem that evidence for such a festival was missing from the great covenantal moment on Sinai. He made a distinction between the Exodus narrative which he believed was fundamentally about redemption, and Sinai which he reserved for the theophany of God and the entering into covenant. These two had been originally been separate traditions.⁴⁵ This theophany, with its accompanying trumpets and sacrifices, pointed to a cultic setting and so the Sinaitic covenant could be incorporated into a cultic retelling of history, a credal setting. This served the twofold purpose of binding the tribes together, and binding them to the LORD.⁴⁶ It may be easier to think of covenants and covenantal rites in a different way. The covenantal rites were the cultic actions which brought about identity in relation to other groups and in relation to God. That these covenantal rites had to be connected to actual covenant seems to be a given, but for von Rad, their function in sacred history was more important than their basis in history. It is the rites, rather than the covenants, which are important.

What made access to understanding these covenants even more difficult was that for von Rad the original *Sitz im Leben* of various elements within the final *Heilsgeschichte* could be opaque at best, but were in all likelihood not the ones recounted. Rather like the theologians who went before him, he had to deconstruct the covenantal accounts as historical accounts, before a new version, a new situation, could be proposed. Such, he held, was undoubtedly the case with the Patriarchal covenantal narratives.⁴⁷ However, von Rad did not downplay the importance of the covenants which he described. For him, these covenants, connected with their covenantal rites, were pivotal moments in the saving history of Israel. This was seen clearly in the following when discussing the decisive intervention in history when the Abrahamic covenant was formed,

God now brings salvation and judgment into history, and man’s judgment and salvation will be determined by the attitude he adopts toward this work which God intends to do in history.⁴⁸

This intervening in history through covenantal means was the beginning of the *Heilsgeschichte* which described the people who were then covenantally formed, and covenantally accountable. For von Rad, the credal statements which were cultically recited, were not over against the covenant, but were a systematisation, in cultic terms, of what had happened through covenantal actions. The covenants of

⁴⁴ G. VON RAD, *The Problem of the Hexateuch and other essays*, Edinburgh and London, 1966, p.36.

⁴⁵ *Ibid.*, p.53.

⁴⁶ *Id.*, *Holy War in Ancient Israel*, Grand Rapids, 1991, p.65.

⁴⁷ *Id.*, *Genesis: A Commentary*, London, 1961, p.22.

⁴⁸ *Ibid.*, p.155.

(recreated) history were re-worked into cultic credal formulæ which described Israel's relationship with God, and, at the same time, brought that relationship about; both the relationship with God, and the relationship between the tribes.

How are we to assess the position of covenant in this important movement in theology? First we must acknowledge that von Rad's use of the term *Heilsgeschichte* is imprecise at times.⁴⁹ Further we can raise the genuine question of what von Rad is actually describing; is it a reality or a series of perceptions? However, von Rad's terminology, for all its difficulties, remains very influential as a way of describing what God was doing in the history of His people. In the way that he presents it, for von Rad, this salvation history is not only the foundational base of Old Testament theology, it is the foundation of the Old Testament itself. If this is the case, and von Rad is right, then covenant is the bedrock which defines the people of Israel, and it is the fundamental act in the *Heilsgeschichte*. Von Rad is not writing an Old Testament theology with 'covenant' in every footnote, rather he is telling the history of God's action in the history of the people of Israel, in which covenant plays an essential and significant role.

Whereas von Rad had tried to avoid an organising, systematising principle, though arguably *Heilsgeschichte* is an organising, systematising principle, Walter Eichrodt set out to do something very different. Beginning with his work in the 1930s, Eichrodt moved away from writing histories of the Old Testament, to try to write a theology which showed why the texts came about. His primary concern was not a historical construction, which we can find in the earlier theologians, nor the faith of Israel, and how that came about. Rather, Eichrodt was concerned about the motivation for the writing of the Old Testament in the first place. To do this he used 'covenant' as his guiding principle, "a convenient symbol",⁵⁰ describing what Israel thought it was to be Israel. It was the underlying identity marker written behind, if not upon, every page of the Old Testament.

As epitomizing God's action in history, 'covenant' is not a dogmatic concept with the help of which a 'corpus of doctrine' can be evolved, but the typical description of a living process, which began at a particular time and place, and which was designed to make manifest a divine reality quite unique in the whole history of religion.⁵¹

Eichrodt provides a critique of the Old Testament theology which preceded him. By both limiting itself to the Old Testament (as opposed to finding its fulfilment in the New) and insisting that the key lay in comparative religions,⁵² this 'old' type of theology would never be able to move on from what it was doing. It was bound to a repetition of 'more of the same'. So Eichrodt staked his claim,

⁴⁹ D. G. SPRIGGS, *Two Old Testament Theologies*, London, 1974, pp.34-35.

⁵⁰ W. EICHRODT, *Theology of the Old Testament*, vol. 1, London, 1961, p.14.

⁵¹ *Ibid.*, p.18.

⁵² *Ibid.*, pp.25ff.

It is high time that the tyranny of historicism in OT studies was broken and the proper approach to our task re-discovered.⁵³

Eichrodt attempts to do this by using covenant not simply as his organisational principle, something which he imposed on the Old Testament to make sense of it, nor as a tool to understand it. Instead, Eichrodt used covenant as the organisational principle, a principle which he believed that he found within the Old Testament itself. Rather in the way in which *Heilsgeschichte* functioned under the surface of the texts for von Rad, so for Eichrodt, covenant was the foundational element of both Israel's self-identity, and her knowledge of and relation to the LORD. For Eichrodt, the selection of covenant was not by chance. By applying the techniques of the historico-critical methods to the Old Testament texts, Eichrodt found the covenant. Covenant was the term which was used to describe the state and status of Israel. It was not a dry treaty, or a simple historical event.

Eichrodt had a certain naivety in his Old Testament theology which set him against other Old Testament theologians. In many ways, this was marked by a simpler way of looking at the historicity of the text. For example, he readily described Moses as the intercessor of the Sinaitic covenant, where other theologians had sought to 'liberate' Moses from the Mountain, or the Exodus, or even existence.⁵⁴ By sticking to the text, however, Eichrodt could take for granted what was being described, and, at the same time, describe how the text was using it. Eichrodt did not need to destroy and then reconstruct the text. In relation to covenant, this meant that Eichrodt could use covenant as the way of describing the relationship between God and Israel. 'Covenant' as a description of relationship was a kind of code word, which while encompassing 'covenant' as a historical reality, was by no means limited to it. It was the relationship of the LORD to this people whom He had chosen. This method freed Eichrodt from having to try to find covenant *manqué* throughout the Old Testament, or even having to describe the joining together of the historical covenants in such a way that the end result would be a lattice-work which could then be used to define Israel. For Eichrodt, the covenant started at Sinai not for any complicated source or historico-critical reason, but simply because it started at Sinai. The other covenants, as historical events or theological constructs, could then be fitted into the 'covenantal' relationship of the LORD and those He had chosen as His own. Here Eichrodt countered Wellhausen's natural religion developed hypothesis, by firmly placing the Old Testament on the side of revelation. For Eichrodt, covenant was grounded in the Old Testament, and was the means whereby the relationship between God and Israel was described.

In this manner Eichrodt could face the problem of the lack of covenantal language in the earlier texts, which earlier theologians had tried to explain by complicated theories of history or theology. In

⁵³ *Ibid.*, p.31.

⁵⁴ *Ibid.*, p.37.

Eichrodt's system, even though the specific terms for 'covenant' only came into the Biblical text later in its history, he argued that it was also present in the earlier literature, though not in explicit terms. Covenant, rightly understood, simply described the intimate state of the relationship between God and His people. This was why there was no covenantal language in the prophets (with the exceptions of Jeremiah and Hosea), because the prophets were already speaking of the LORD's relationship with His people, and that was precisely the nature of the covenant; the term may not have been used, but what it was describing was most certainly present. Even more, the dangers contained in following, or not following a covenant, were the very issues identified and situations decried by the prophets, namely a dry, dead formalism and transactional theology.⁵⁵ This was far from the intimacy that the true covenant described. The prophets' voices could only be raised in this manner because they assumed the covenantal relationship.

Eichrodt systematically placed covenant at the heart of his classic ideas of Israelite religion. It was a religion of revelation in history. It freed Israel from the capricious way in which the Ancient Near Eastern gods dealt with their people, so that "an atmosphere of trust and security is created..."⁵⁶ in order that they might pursue holiness of life in the land of Promise. Covenant gave a linear as opposed to cyclical view of history. In all these ways and the many others which Eichrodt describes, Israel was given identity by the LORD, distinct from her surrounding nations, and this identity had a real, relational basis. It was covenant.

We can see how this definition of covenant serves Eichrodt's purpose well. It is eminently flexible and able to incorporate both historic events and sweeping themes. With a covenant intimately linked to both cultic and secular law, any transgression is transgression against the relationship with God, which gives way, in its turn, to an even greater expression of the same covenant. There are of course problems with Eichrodt's exposition: his very definition of covenant being the foremost. Also, there is the nagging suspicion that he still ends up with a second hand, textual, description of Israel's relationship with God and others, rather than the relationships themselves. However, I do not intend to offer a critique of Eichrodt. I simply wish to place him on the stage of Old Testament twentieth century theology. Here Eichrodt occupies a singular role. He tried to heal the division between 'academe' and 'faith', first hinted at by Spinoza, by presenting an organising principle which could hold the two together. Various elements of Eichrodt's theology have been criticised, but his labelling of covenant as the centre of Israel's faith, and Old Testament's theology, was powerful and persuasive. Writing in the 1960s, R. E. Clements could rightly say that "the importance of the covenant concept for ancient Israel has been affirmed from a number of directions",⁵⁷ as he set out his own contribution to the covenant agenda.

⁵⁵ *Ibid.*, pp.52-53.

⁵⁶ *Ibid.*, p.38.

⁵⁷ R. E. CLEMENTS, *Abraham and David*, London, 1967, p.9.

Covenant seemed to provide a core to Old Testament studies during this era, and it promised much. In the same way that Wellhausen's source theory, Gunkel's forms, and the historico-critical method were now taken for granted and used in the development of other fields of Old Testament studies, so, it seems, was Eichrodt's covenant.⁵⁸

Before bringing this section to a close I wish also to look at the Old Testament theology of Paul van Imschoot. The reason for choosing him is twofold. First, he is writing a Theology of the Old Testament in the 1950s, just before the Second Vatican Council and second, he is a Catholic.⁵⁹ Indeed he produces the first major theology of the Old Testament from a Catholic scholar after the proclamation of Pope Pius XII's bull *Divino Afflante Spiritu*. This bull encouraged Catholic Old Testament scholars to engage in the current academic methods, from which, until this point, they had been discouraged.

With special zeal should they apply themselves, not only to expounding exclusively these matters which belong to the historical, archaeological, philological and other auxiliary sciences - as, to Our regret, is done in certain commentaries - but [...] they should set forth in particular the theological doctrine in faith and morals of the individual books or texts...⁶⁰

Although not without qualification, this statement opened the door to engagement with scholarly Old Testament research with the Church's blessing.

The style of van Imschoot's work is very different from the majority of Old Testament scholars writing at the time. His approach reflects more of a scholastic style than that found in the Old Testament theologies influenced by German Protestantism. He approaches the various sections of his two works in a classic manner. In Tome I he enquires into the nature of God, and in Tome II, the nature of mankind.⁶¹ In a very Thomistic style, the very first section of Tome I bears the title "God Considered in Himself." In organising his work in such a way, he avoids the chronological approach of recounting a historical account of Israel. Although he does allow for the descriptive, more history of religions

⁵⁸ Cf. the position of covenant in the theologies of G. FOHRER, *History of Israelite Religion*, London, 1973, & *Introduction to the Old Testament*, London, 1968. Also TH. C. VRIEZEN, *An Outline of Old Testament Theology*, Oxford, 1958, & *The Religion of Ancient Israel*, London, 1967.

⁵⁹ Other Catholic Old Testament theologians reacted differently. P. HEINISH, between his first and second editions of *Theologie des Alten Testamen*, first edition 1940, and the second edition, English translation 1955, cuts out altogether his section on 'covenant'. See C. M. COOPER, 'Review: A Catholic Theology of the Old Testament' in *The Jewish Quarterly Review*, Vol. 42, No. 1 (July, 1951), 81-84. Cooper argues that this was a reaction to the rising influence of Eichrodt's prioritising of 'covenant' as an organising principle. Outside Old Testament theology we see 'covenant' as a fundamental idea in the theological reflections on the creed by P. SCHOONENBERG, *Covenant and Creation*, London, 1968. J. GIBLET, *The God of Israel and the God of Christians*, New York, 1961, contains a substantial section on the covenant considering the nature of the work, pp.23-43. A. GELIN, *The Religion of Israel*, London, 1959, addresses not only covenant, but also places morality firmly within a covenantal context.

⁶⁰ PIUS XII, *Divino Afflante Spiritu*, §.

⁶¹ When quoting van Imschoot, I will use the English translation of Sullivan and Bucks, *Theology of the Old Testament*, vol. I, New York, 1954, for Tome I. As there is currently no English translation of Tome II, I will quote from the French text, *Théologie de L'Ancien Testament*, Tomes II, Tournai, 1954.

model of scholarship, nonetheless, van Imschoot's work is fundamentally about the revelation of God in time in the history of Israel.

It is important [...] that in our effort to discover the human factors, the influences of the ethnic milieu, the neighboring [*sic*] civilizations and religions which influenced the religion of Israel, we do not forget or neglect its own special and constantly affirmed character of a revealed religion.⁶²

For much of the first Tome, covenant does not play a great part, however in the section concerning 'God's personal character', covenant is mentioned in the context of the covenant between God and Abraham, as the father of the people whom God had chosen as His own. Van Imschoot argued that this differentiated the LORD from the gods of the surrounding peoples. Also, in the section 'The Sentiments of God' van Imschoot held that the prophets showed forth the quality of the 'love' of God, and in one particular place in Hosea van Imschoot described 'the covenant of Sinai as a marriage of love contracted by Yahweh with Israel in the days of her youth.'⁶³ In these cases, however, covenant was used illustratively of God's love for Israel, it was not a reflection on covenant *per se*.

The first Tome is divided into four sections; God considered in Himself, God and the world, Revelation, and God and His people. It is in this final section that we have a sustained theology of God's relationship with Israel. Within this there are two sub-sections; 'The Covenant', and 'the chosen people'. Having considered the etymology of ברית (covenant) and its parallels in the surrounding Ancient Near Eastern cultures, van Imschoot turns to the Israelite covenant with the LORD. "The idea of a covenant which unites Israel with its God is fundamental in the Israelite religion."⁶⁴ This quotation is footnoted, and the reference first directs us to the Old Testament theology of Walther Eichrodt. Even in a Catholic theology constructed in such a different way from the typical scholarly texts, we find Eichrodt's work on the covenant simply being cited as a given. Eichrodt's understanding of covenant was taken as normative, even in this Catholic Old Testament theology. Van Imschoot describes this covenant as the defining character of Israel and the distinctive element which distinguished her from other religions of the Ancient Near East.⁶⁵

In the second Tome van Imschoot reinforces this essential nature of the covenant. The need for acting with 'lovingkindness' towards each other is found in the relationship of Israel with the LORD.

In the same way in which covenants between people impose *hesed* on those whom they unite – by which is meant the duty of reciprocal help, loyalty, duty, and love [...] thus

⁶² P. VAN IMSCHOOT, *Theology of the Old Testament*, vol. I, New York, 1954, p.2.

⁶³ *Ibid.*, p.76.

⁶⁴ *Ibid.*, p.231.

⁶⁵ *Ibid.*, p.232.

it is with the covenant which binds Israel to the LORD; the LORD's *hesed* which He shows towards Israel, that *hesed* must be given back by Israel.⁶⁶

The world of human beings should be governed by lovingkindness, for only in this way can we live at peace, and the type and pattern of this lovingkindness is that which the LORD shows to Israel in the covenant. Thus the covenant is not only the relationship between God and His people, it is also the template of the regulation of human affairs.

Van Imschoot does not bring anything new to the table of twentieth century Old Testament scholarly research, except his novel approach and systematising skills. However, the purpose of including him here is not so much to examine his theology in itself, but rather to show that on the eve of Vatican II covenant as a central and guiding theme of the Old Testament, was not limited to one group or other, but rather had become mainstream, incorporated into Catholic and Protestant scholarship alike.

The aim of this section of this thesis, however, is not merely to present a picture of Old Testament theology with covenant at its heart in the 1960s, as if all scholarship had ended there, but to show that this was a common assumption in academic circles before Vatican II. If this had continued in Old Testament scholarship to the present day, then there would be no need to challenge it. However, scholarship never stands still, and in a short period of time questions of a guiding theme of the Old Testament were to a large extent surpassed. Covenant as an organising principle was no longer a given Old Testament scholarship.

We can now leave this brief description of the main Old Testament reflections on the theme of covenant at the eve of the Second Vatican Council. Old Testament scholarship, still unable to come to terms with being an 'academic' or a 'faith' pursuit, had followed critical scholarship to its logical conclusions. In doing so, it had taken apart the Old Testament text and formed new texts, new sources, new history. Covenant was one element within this process, as open to theological and historical enquiry as any other. In some theologians' work it may have been given a greater role than in others, but at best it was simply one element in the process of reconstructing history, or texts, or the historic transmission of texts. Even in the *Heilsgeschichte*, covenant was only one among many constituents which brought about the account of God's saving acts.

With Eichrodt, however, something new happened, as he took the concept of covenant, based on a series of historical events (or beliefs retrojected into a historical setting), and placed it front and centre.

⁶⁶ P. VAN IMSCHOOT, *Théologie de L'Ancien Testament*, Tomes II, Tournai, 1954, p.97, "Et de même que l'alliance entre hommes impose à ceux qu'elle unit, le *hesed*, c'est-à-dire le devoir réciproque d'assistance, de loyauté, de droiture et d'amour [...], ainsi en est-il de l'alliance qui lie Israël à Yahweh; au *hesed* de Yahweh envers Israël [...] doit répondre le *hesed* de Israël."

‘Covenant’ became the relationship between God and His people. This view of covenant was dominant in Catholic and Protestant theology alike for a time, but did not last. We will see whether or not this prominent idea of covenant was taken up at the Council. But before that, we must turn to the text of the Old Testament itself.

1.3 The Theme in the Text

Having considered the rise of covenant in the theologians of the early twentieth century until the beginning of the Second Vatican Council, it is now essential to turn to the texts themselves. It is clear that the scholarly endeavour we have considered is based on particular presuppositions. Of course, this is inevitable, but it can distort the reading of the text.

First, we must address the following issues: the linguistic terms to be included; the organisation of the various covenants; and the methodological approach. Concerning the linguistic issues, the English term ‘covenant’ is the usual translation of ברית. The Hebrew term will be key when examining the Old Testament text. However, in some places ברית may be assumed where the term itself is not present. This is the case for the covenant with Adam. Although other terms are used in conjunction with or even in place of ברית, for example, ‘testimony’ ארון העדות in עדות (Ark of the Testimonies) and ארון הברית (Ark of the Covenant),⁶⁷ and still others share a similar meaning in certain contexts, for example, ‘oath’, אלה, שבועה, and while at times תורה (Torah) almost becomes a synonym of ברית, we will uphold the priority of ברית as the primary term for the translation of covenant. The second issue, that of organising the covenants is not simply one of convenience because a certain organisation can convey a specific theological agenda. Mendenhall, in organising the entry on ‘covenant’ in the Anchor Bible Dictionary under the headings of ‘The Sinai Covenant’, ‘The Divine Charter’, ‘Covenant Traditions in the Prophets’, and ‘Later Biblical Covenants’, prioritises Sinai by referring to it on its own, and relativises the Davidic, Noahic and Patriarchal covenants by dealing with them together under the heading of the ‘Divine Charter’. Lacking any other obvious way of organising the material, I shall consider the covenants as they occur chronologically in the Old Testament timeline. The third issue, that of methodological approach, is difficult. The way in which a text is examined can influence the outcome, so, as far as possible, I will attempt to approach the text with as few biases as possible. I will take the text’s setting into account, while still paying particular attention to the results of higher criticism. Although this methodology is not perfect, I am attempting to look at what the texts say, in their canonical context.⁶⁸

‘Covenant’ is not limited to a purely religious meaning, as it may simply refer to contracts between different human parties. These may be between individuals, including the marriage covenant between

⁶⁷ The former is favoured in Exodus, the latter in Numbers, Deuteronomy and the Ark narratives.

⁶⁸ I will try to follow this when dealing with all texts. Obviously when authors are known, and the specific historical setting is accessible, such as the Conciliar and Church documents, this will be taken into account, but this is not the case with biblical texts.

a man and a woman,⁶⁹ or between groups of people,⁷⁰ or between states.⁷¹ As the contracting parties do not necessarily have the same power, covenant is not necessarily a relationship of equals. By observing the varied ways in which covenant is used in the everyday sphere, we can see that there is no particular connection between them. So, as we focus on the so-called divine covenants, where the LORD is one of the partners, we should not expect a simple comparison between divine covenants and their everyday counterparts.

This section will be comprised of three different parts. In the first I will look at the Adamic covenant. In the second, the covenants with Noah, the Patriarchs, Sinai, David, and the New Covenant. In the third, the concept of ‘covenant’ in the book of Jubilees and in the New Testament. I have separated the first part because the covenant with Adam is disputed. Jubilees, being deuterio-canonical, I have put with the New Testament, as neither are in the canonical, Latin rite, Old Testament. By using these divisions, I do not wish to relativise any of the texts, I simply wish to deal with the Old Testament covenants in one place. Each of these three sections contains challenges. In the first, the very existence of an Adamic covenant is questioned. In the second, the main problem is the number of covenants. This has been much contested. St Irenaeus in the second century, expanding the covenants to include the New Testament, listed them as four; Adam, Noah, Moses and the Gospel.⁷² However, many identified five: Noah, Abraham, Sinai, David, and the New Covenant. In the third part, the book of Jubilees does not contain any new covenants, and the New Testament bears witness to something which is very different. My reasons for the inclusion of Jubilees and the New Testament, however, will become clear.

Part 1: The Covenant with Adam

I wish first to clarify that by the covenant with Adam I do not mean the *fædus naturale*, or *fædus operum* which was proposed by certain Protestant theologians in the late sixteenth century.⁷³ They held that

⁶⁹ For example I Samuel 18.3; marriage as covenant על כִּי־יָהוָה הָעֵיד בֵּינִךְ וּבֵין אִשְׁתְּ נַעֲרֶיךָ אֲשֶׁר אָתָּה בְּגִדְתָּהּ בָּהּ וְהִיא חֲבֵרְתְּךָ – “because the LORD bore testimony between you and the woman/wife of your youth, to whom you were unfaithful, though she is your partner and wife by covenant.”

⁷⁰ For example between the people of Isaac and Abimelech, Genesis 26.26-33.

⁷¹ For example the prohibition of making covenant with the Philistines לֹא־תִכְרַת לָהֶם וּלְאֱלֵהֶם בְּרִית – “You shall not make a covenant between yourselves and a the Philistines”, Exodus 23.33.

⁷² IRENAEUS, *Adversus Haereses*, Book III, 11.9 “Et propter hoc quattuor data sunt testamenta humano generi: unum quidem ante cataclysmum sub Adam; secundum vero post cataclysmum sub Noe; tertium vero legislatio sub Moyse; quartum vero quod renovat hominem et recapitulat in se omnia, quod est per Evangelium, elevans et pennigerans homines in caeleste regnum” in A. ROUSSEAU & L. DOUTRETEAU, *Irénée de Lyon: Contre les Hérésies, Livre III*, Paris, 1974, 168-170. This can be proposed as an example of ‘Christiannomism’ where the previous law is perfected by the coming of Christ. See S. J. MCMICHAEL, ‘The Covenant in Patristic and Medieval Christian Theology’, in E. B. KORN & J. T. PAWLIKOWSKI (EDS), *Two Faiths, One Covenant? Jewish and Christian Identity in the Presence of the Other*, Lanham, Maryland, 2005, p.48.

⁷³ For an overview of the covenant of works, see L. BERKHOF, *Systematic Theology*, Edinburgh, 1979, pp.211-218. Also M. MCGIFFERT, ‘From Moses to Adam: The Making of the Covenant of Works’, in *The Sixteenth Century Journal*, vol.19 (2), 1988, 131–155.

there had been a natural covenant between God and Adam before the Fall. They argued that this prelapsarian state imposed obligations upon Adam which he then broke through disobedience in the Garden of Eden, resulting in the punishments of mortality and banishment. This theological position, however, is found neither in antiquity, nor the Bible, but rather addresses Protestant theological needs of that time.

Let us begin with the challenge of the very existence of the Adamic covenant. The argument for its existence states that what the creation texts describe is primarily a relationship between Creator and creature. The purpose of the second creation story is to provide an *ætiology* which is entwined with, and arises from, an ancient oral history of the creation of the first things. As such, the story's primary focus was not the relationship between God and human beings, but rather between man and the world, between man and woman and between woman and the world. The stipulations that had been imposed by God, such as not eating of the tree of life (Genesis 2:17), were linguistic devices which served the *ætiology*. As with all *ætiologies*, their meaning should not arise new from the text, because the text was constructed to serve the message which the author wished to convey. Of course, it could be argued, as the sixteenth century Protestants had done, that by breaking the divine command, and eating from the tree of life, there had been very practical results, which simply happened to resemble covenantal consequences. Just because a punishment had been meted out did not mean that there had been a covenant which had been broken.

This Genesis text concerning Adam contains none of the markers that we would expect to see if a covenantal agreement had been present. There is no promulgation of a covenant, no reciprocal agreement, no threat or consequence stated, simply the statement “in the day that you eat of it you shall die”.⁷⁴ Although some of these elements are lacking in the formulation of covenants in later instances where we can see that a covenant definitely was established, still the Eden story does not have the right ‘feel’. It could even be argued that it was only after the Fall had happened, and the ease and familiarity of the relationship between the human beings and God had been destroyed, that a mechanism for trying to replace it would even come into existence. Covenant could only come about once that original relationship had been destroyed. If this line is followed, then, not only was there no explicit covenantal relationship between God and man in Eden, but logically there was no need for it. There had to be an illness before the medicine could be applied. This argument assumes a functional nature of covenant; restoring that which was lost, and leading to a greater relationship.

As there are no explicit references to a covenant in the second creation story, arguments denying its existence will necessarily owe more to theology than to the text. To advance this position, Adam's

⁷⁴ Genesis 2.17.

covenant has to be understood as the promise of redemption given to Adam and Eve as a result of their transgression. It is not prelapsarian, but takes place immediately after the fact.

The argument for the existence of an Adamic covenant rests on only two passages and both have their problems: the first relies on reading theology back into the texts, which is always fraught with difficulties, while the second concerns a variant reading.

The first passage comes from the protoevangelion in Genesis 3.15, “I will put enmity between you and the woman, and between your seed and her seed; he shall bruise your head, and you shall bruise his heel”. Concerning covenant, little weight can be given to this text as it contains neither covenantal language nor the promise of a covenant as a logical outcome. However, it is included here because of its place in Christian tradition, and also because a theological, rather than a textual, argument can be advanced for a quasi-covenantal promise being given by God.

The second argument advancing the Adamic covenant is based on a passage in the prophet Hosea:

What shall I do with you, O Ephraim? What shall I do with you, O Judah? Your love is like a morning cloud, like the dew that goes early away. Therefore I have hewn them by the prophets, I have slain them by the words of my mouth, and my judgment goes forth as the light. For I desire steadfast love and not sacrifice, the knowledge of God, rather than burnt offerings. But at Adam they transgressed the covenant; there they dealt faithlessly with me. Gilead is a city of evildoers, tracked with blood.⁷⁵

This translation, the RSV, translates verse seven as “at Adam”. This assumes that ‘Adam’ is a place, the position of which is no longer known, although a place with that name is mentioned in Joshua 3.16, ‘the city that is beside Zarethan’. However, the various translations differ. The Septuagint reads, αὐτοὶ δὲ εἰσιν ὡς ἄνθρωπος παραβαίνων διαθήκην ἐκεῖ κατεφρόνησέν μου where Adam is translated as ἄνθρωπος: thus, ‘but like man, transgressing [singular active participle] a covenant...’ The RSV’s ‘place’ is at odds with the Septuagint’s ‘everyman’. The Vulgate, both the New Vulgate and the Clementine, reads “*ipsi autem sicut Adam transgressi sunt pactum ibi praevaricati sunt in me*”, where the ‘everyman’ of the Septuagint is read as Adam. However, unlike the RSV, this refers not to a place but to an individual, following the use of ‘sicut’. One must assume that this is the first Adam, as there is no other reference to an individual with that name. The Hebrew Text reads והמה כאדם עברו ברית שם בגדו בי. The apparatus suggests the variant reading of באדם in place of כאדם, which would give rise to the RSV translation ‘at Adam’.⁷⁶ However, if the Hebrew text remains unaltered, then it is in accord with the Septuagint and Vulgate.

⁷⁵ Hosea 6.4-8.

⁷⁶ The textual change suggested in the apparatus does not necessarily need to take place. GENESIUS-KAUTZSCH, *Hebrew Grammar*, Oxford, 1910, §118 *t* (a), cites the preposition כ used to indicate place, e.g. Isaiah 5.17 כדברם.

Moving from these linguistic difficulties, we must note that there are no other references in Hosea to a covenant with Adam, broken or otherwise. Hosea's primary image of a covenantal foundation and election is the flight from Egypt, rather than the more obvious Sinai tradition.⁷⁷ If Hosea was able to focus his gaze on the non-covenantal Exodus and downplay Sinai, then he is already presenting a version of covenantal history which differs from other writers. Further, if Hosea were actually proposing an Adamic covenant, we should expect more than one passing reference.

Both sides of the argument, for the existence or absence of an Adamic Covenant, can be advanced. The lack of covenantal language makes it impossible to argue its presence from the text. Although the Adamic covenant is important in various streams of Protestant theology and is also present in mainstream Catholic systematics, the existence of the Adamic covenant is more theologically than textually based.

Part 2: The Covenant with Noah

Moving from Adam, there are no such problems of identification with the Noahic Covenant.⁷⁸ This covenant was announced early in the Noah narrative, "but I will establish my covenant with you; and you shall come into the ark, you, your sons, your wife, and your sons' wives with you."⁷⁹ The text uses typical covenant language, although by employing the verb קום 'to establish' rather than the usual כרת (etymologically related to 'cut') some have argued that this is a re-establishing of a covenantal relationship rather than the founding of a new one.⁸⁰ However, the linguistic arguments differentiating the use of קום as opposed to כרת do not support this interpretation.

Even in this Noah narrative, however there are uncertainties. It is unclear with whom the Noahic covenant was made and the form that it took. Is the LORD saying 'if you (a) perform the action of building and entering the ark, then I will (b) bring about salvation, with further reward of being fruitful and multiplying in the world that I have saved for you'. If this is indeed the covenant, then we might expect it to include some commands or stipulation, together with the concomitant rewards and punishments. The obligations to abstain from blood and murder preceded the announcement of the covenant in Genesis 9, and are not part of the narrative of Genesis 6. Of course, the covenant announced

⁷⁷ Hosea 9.10; 11.1; 12.9; 13.4.

⁷⁸ Note certain references to language concerning covenant which are reminiscent of the Noahite Covenant in Hosea 2.20.

⁷⁹ Genesis 6.18.

⁸⁰ W. J. DUMBRELL, *Covenant and Creation*, Milton Keynes, 2013, pp.12-20, argues that קום refers to an existing covenant, or covenantal relationship, while כרת establishes a new relationship. This argument, though neat, is not clearly established.

in Genesis 6 is connected to that found in Genesis 9, but this simply reinforces the confusion of the recipients and terms of the Noahic covenant. This covenant in Genesis 6, which was formally pronounced by the LORD אֶתְּ-בְרִיתִי אֵתְּךָ, 'and I will establish a covenant with you', did not demand anything from Noah and his family. They have already been found worthy in the sight of the LORD, and now they are being saved. They are passive recipients of the covenantal formula.

In Genesis 9, however, we may fairly ask what position Noah and his family occupied, both individually and collectively, in the resulting covenantal dispensation. Once the Flood waters had receded, LORD told them to 'be fruitful and multiply',⁸¹ the text continues,

And God said, "This is the sign of the covenant which I make between me and you and every living creature that is with you, for all future generations: I set my bow in the cloud, and it shall be a sign of the covenant between me and the earth. When I bring clouds over the earth and the bow is seen in the clouds, I will remember my covenant which is between me and you and every living creature of all flesh; and the waters shall never again become a flood to destroy all flesh. When the bow is in the clouds, I will look upon it and remember the everlasting covenant between God and every living creature of all flesh that is upon the earth." God said to Noah, "This is the sign of the covenant which I have established between me and all flesh that is upon the earth."⁸²

If we ignore the references to the sign in heaven, which is the external sign of the covenant, then all that remains in the body of the text is the repeated assertion that this covenant is between God and every living creature that was saved by Noah in the Ark. It is neither with one individual named Noah, nor with his family. Although Noah and his family are included in the covenant after the Flood, by virtue of them being living creatures, their obedience simply facilitates God's action so that the covenant may come about: it is not their side of a divine covenant. Indeed, from the way in which this covenant is described, it is not even with human beings in the general sense, but rather with everything that lives, בֵּינִי וּבֵין כָּל־בָּשָׂר אֲשֶׁר עַל־הָאָרֶץ, 'between me and all flesh that is upon the earth'. This phrase is repeated often and is designed to be memorable. It serves to reinforce the message that the covenant is not limited to Noah and his family.

Looking at the Noahic covenant historico-critically, we can focus on a passage which occurs a few verses before the covenant with all flesh. Having descended from the Ark, Noah makes sacrifice to the LORD,

And when the LORD smelled the pleasing odour, the LORD said in his heart, "I will never again curse the ground because of man, for the imagination of man's heart is evil from his youth; neither will I ever again destroy every living creature as I have done.

⁸¹ Genesis 9.1.

⁸² Genesis 9.12-17.

While the earth remains, seedtime and harvest, cold and heat, summer and winter, day and night, shall not cease.”⁸³

Here there is no explicit mention of covenant nor is there language which usually accompanies it. However, the underlying message of God’s inner monologue is one of turning from His action, with a firm amendment of heart, shown through establishing the unending ordinance of days and seasons. Following source theory, the imagery of God ‘smelling’ the sacrifice indicates an earlier strand within the overall Noahic episode. If this is an early part from the J source, then it would predate the covenantal language of chapter nine. The later covenant would have been declared in a more solemn way, with the correct formulaic language being employed. If this later redaction is through the influence of P, then we could argue that the earlier account, which was covenantal in intent, was explicitly couched in covenantal language to make a covenantal enactment clear. However, even if we do not follow the source critical method, we could still argue from the narrative of the text, that the LORD repented His action, and this later evolved into a covenant relationship, with its accompanying signs and solemn promises. However, this still poses the question as to the parties of the divine covenant and its terms of reference.

The question remains, that if this covenant is with ‘all flesh’, in what sense is it a covenant at all? All concepts of covenant seem to be predicated on the notion that the individual parties are capable of entering into them. A covenant, surely, is between two or more parties who are able to give assent, even if that assent is coerced. In the case of the Noahic covenant, it is true that there are stipulations enjoined on human beings just before the establishing of the covenant, namely the prohibition of eating flesh with blood in it and the spilling of blood in murder.⁸⁴ Even if, however, we argue that these occur before the announcing of the covenant, they still do not have the form of obligations in the text, and as such their status as ‘covenantal stipulations’ is unclear. In later literature these stipulations are explicitly associated with Noah.⁸⁵ However, if this covenant is not with Noah and his family, or even with human beings in a general sense, but rather is with ‘all flesh’, then how could creation fulfil their obligations? It would seem most obvious for human beings to be the partners in the covenant as they alone can fulfil its obligations, and yet the text explicitly includes ‘all flesh’. Further, what is brought about is ברית עולם an ‘everlasting covenant’, which, as such, simply cannot be broken.⁸⁶ God’s side is fixed, עולם, because He promised never to attempt such destruction again. For its part ‘all flesh’ does not have to do anything. There are, then, no consequences attached to this covenant. It is logically impossible for ‘all flesh’ to

⁸³ Genesis 8.12-22.

⁸⁴ Genesis 9.4-5.

⁸⁵ Jubilees 7.20-27.

⁸⁶ Sirach 44.18 links Noah and the ‘everlasting covenant’. The term, however, is not used univocally in the Old Testament, except in a general sense that it is something which will continue. There is a ברית עולם with Phineas, I Maccabees 2.54; with Aaron, Sirach 45.7,15; Davidic, Ezekiel 37.26, Isaiah 55.3, II Samuel 23.5; with the reformed harlot, Ezekiel 16.60; with returning Exiles Jeremiah 50.5, 32.40, Isaiah 61.8; with Jacob/Israel, I Chronicles 16.17, Psalm 105.10; with Abraham, Genesis 17.7, 13, 19; and unspecified, Isaiah 24.5.

transgress it, and even when subsequent generations after Noah transgress the stipulations of the Noahic covenant, not only would the world not be destroyed, but no one even expected that it would be. Even if we concede that there are covenantal obligations, the blood and murder stipulations, they do not occupy the same role as we would expect in a normal covenant. According to the norm, inasmuch as we can put forward a norm, covenantal transgression brings consequences. This is not the case in the covenant after the Flood. This is God's covenant, and in a very real way, it does not involve human beings at all.

The covenant with Noah, then, is confusing. It bears all the linguistic marks of an established covenant, but there are two inconvenient elements. The first concerns the partners involved in the covenant, on the one side, the LORD, and on the other, 'all flesh'. The position of Noah and his family, and even all human beings in generations to come is unclear. If 'all flesh' is wider than human beings, and that seems to be the case, then in what way is it possible that this nebulous definition be a partner with God in any covenantal sense? The second issue is that the 'obedience or consequences' element of 'covenant' is missing. Covenant collapses into moral exhortation when consequences are absent. We know that the few stipulations that were made were violated in subsequent history, murder continued to happen, and dietary laws were not always kept, but it is logically impossible for the result of such actions to be a repudiation by God of the covenant. The covenant is sacrosanct as God Himself will always uphold it.

It may be clear from the text that the covenant with Noah is indeed a covenant, but it is far from clear what this actually means.

The Covenant with the Patriarchs

By the term 'Patriarchal Covenant' I mean the covenant made first with Abraham and then extended through his generations to Isaac and Jacob. There is debate as to whether these were originally separate covenantal acts with different patriarchs, or whether these 'Patriarchs' were merely constructed patriarchal foundational figures,⁸⁷ which were later joined together. However, the later biblical texts as we have them intend that they be read together; the "God of Abraham, the God of Isaac, and the God of Jacob".⁸⁸ In this way, such Patriarchal references were not fixed to either individual or place. I will use the term 'Patriarchal Covenant' in the same manner. It is the covenant which goes back to the foundational stories of the peoples which coalesced around the figures of Abraham, Isaac and Jacob. This merging of traditions is shown in Exodus 6.3: the new revelation of the name of the LORD subsumes within it previous traditions "I appeared to Abraham, to Isaac, and to Jacob, as God Almighty,

⁸⁷ See M. NOTH, *The History of Israel*, pp.120-126; G. VON RAD, *Genesis: A Commentary*, p.184.

⁸⁸ Genesis 50.24; Exodus 3.6 &c. The term is predominantly used in Exodus and Deuteronomy, once in the history books, II Kings 13.23, once in the prophets, Jeremiah 33.26.

but by my name the LORD I did not make myself known to them.” The next verse advances the significance of this statement, “I also established my covenant with them (וגם הקמתי את-בריתי אתם), to give them the land of Canaan, the land in which they dwelt as sojourners.” If we propose a progression in the narratives of the Patriarchal covenants, by which we mean their gradual unification, then we can say that by the time of the Mosaic revelation of the name of the LORD, within the internal narrative of the text, or the redaction process which brought it to this final form, both the Patriarchal covenants and the revelation of the ‘Name’ had merged into one account.

When thinking of ‘covenant’, however, we should not simply conclude that a further stage of redaction had inserted covenant into previous traditions of the Patriarchal gods. The Abrahamic foundational stories are replete with covenant imagery. Indeed, it is from such places that we can gain an insight into the typical language used for forming a covenant, such as כרת ‘cutting’ a covenant, mentioned above. We encounter this graphically in Genesis 15; the animals are cut in two and the LORD passes between them, “And he brought him all these, cut them in two, and laid each half over against the other; but he did not cut the birds in two.”⁸⁹ “When the sun had gone down and it was dark, behold, a smoking fire pot and a flaming torch passed between these pieces”.⁹⁰ After the ritual action by Abraham, namely cutting the birds in two, and the ritual response of God, His passing between them, then was given the declaration that the covenant had been forged, “On that day the LORD made a covenant with Abram, saying...”⁹¹ Here we find a clear identification of ritual action and the foundation of the Abrahamic Covenant. Its vivid, descriptive nature, following source criticism, would place it in the early J strand.⁹² This would attest to the ancient nature of the story connecting Abraham with this covenant ritual. The meaning of ‘cutting’ with respect to ‘covenant’, although clear in this instance, is not straightforward. While it may describe part of the rite, its meaning in a divine covenant is unclear. It is often assumed that cutting the animals has the effect of a self-curse on those who make the covenant, ‘if I break the covenant may I end up like the dead beasts here’. If this is the case, then it could only have meaning for Abraham, and not the LORD.

As in the Noahic covenant, we again find that there are questions concerning the obligations on the two parties in the divine covenant. It may be that the election of Abraham and the promise of ‘land’ predates any idea of covenant, and that the covenantal element was added to the ancient Abraham/promise/land tradition by later hand or hands unknown (though suspected to be Deuteronomistic).⁹³ Or it may be that the Deuteronomistic school reshaped the material, perhaps with the material and the imagery coinciding with the overall agenda of the Deuteronomists. In this reading, either the Patriarchal covenant was

⁸⁹ Genesis 15.10.

⁹⁰ Genesis 15.17.

⁹¹ Genesis 15.18.

⁹² G. VON RAD, *Genesis: A Commentary*, pp.177-178.

⁹³ Cf. L. PERLITT, referenced in C. WESTERMANN, *Genesis 12-36: a Commentary*, London, 1984, p.215.

concerned with land because that was the overriding preoccupation for the communities in exile (or the newly returned), or else the Patriarchal covenant addresses a dynastic prophecy with geographical roots. In the latter case, it would seem that both the specific and the general could be argued; the specific, “To your descendants I give this land, from the river of Egypt to the great river, the river Euphrates, the land of the Kenites, the Kenizzites, the Kadmonites, the Hittites, the Perizzites, the Rephaim, the Amorites, the Canaanites, the Girgashites and the Jebusites”,⁹⁴ which probably involves too much exact knowledge to be historical; or the general, “Know of a surety that your descendants will be sojourners in a land that is not theirs, and will be slaves there, and they will be oppressed for four hundred years... and they shall come back here in the fourth generation...”.⁹⁵

However it came about, this marrying of the Abrahamic covenant and the gift of land is present in the account of Genesis 15. Here, the covenant would be the means whereby the giving of the land was enacted or promised: simply a declaration to Abraham and his descendants that such was the case. The covenant would be instrumental and not an end in itself. The purpose of the covenant ceremony, in this reading, was not to provide a link between God and people, but rather to be a sign that God’s deed of the land was sure. It would be a promissory covenant without conditions.

But land is not the only concern of the Patriarchal, and specifically Abrahamic, covenant. In Genesis 17, at the end of Abraham’s life, the LORD, through the covenant, declared the promulgation of a line of descendants through the ages. The covenant of land was reshaped and became part of the larger covenant of the generational line.

When Abram was ninety-nine years old the Lord appeared to Abram, and said to him, “I am God Almighty; walk before me, and be blameless. And I will make my covenant between me and you, and will multiply you exceedingly.” Then Abram fell on his face; and God said to him, “Behold, my covenant is with you, and you shall be the father of a multitude of nations. No longer shall your name be Abram, but your name shall be Abraham; for I have made you the father of a multitude of nations. I will make you exceedingly fruitful; and I will make nations of you, and kings shall come forth from you. And I will establish my covenant between me and you and your descendants after you throughout their generations for an everlasting covenant, to be God to you and to your descendants after you. And I will give to you, and to your descendants after you, the land of your sojournings, all the land of Canaan, for an everlasting possession; and I will be their God.”⁹⁶

The terms of reference for the covenant, in this account, seem to have changed. It is no longer about the land, but about the generations of Abraham. Indeed, if these generations were to be kings of nations then it was extremely unlikely that they could be ‘confined’ to one geographical location, even if it had

⁹⁴ Genesis 15.18.

⁹⁵ Genesis 15.13-15.

⁹⁶ Genesis 17.1-8.

been promised by God. These new terms were not simply with Abraham, but now explicitly with his descendants in a way which does not seem to imply any form of renewal was necessary. This was to be an everlasting covenant with the ‘descendants’ as well as with Abraham. The mention of the land in the final verse, viewed from the perspective of a covenant with the generations, seems to be very much a throw away remark.

Having posed the question with respect to the Noahic covenant above, concerning the nature of ‘covenant’, then here we encounter the same fundamental problem; there is no consistent definition of the term that we can arrive at from the biblical texts. If a covenant is based on a vassal treaty, then there are no stipulations or obligations enforced with respect to Abraham and the generations after him. While there are covenantal signs, the most obvious and abiding being circumcision, the section concerning circumcision has its own meaning and introduction.

And God said to Abraham, “As for you, you shall keep my covenant, you and your descendants after you throughout their generations. This is my covenant, which you shall keep, between me and you and your descendants after you: Every male among you shall be circumcised...”⁹⁷

It may be that this passage started life as a separate pericope which was then added to the earlier narrative about the covenant with the generations of Abraham. Circumcision thus becomes a sign of an already existing covenant, not a prerequisite of it. It would bear the same meaning as the rainbow did in the Noahite Covenant. However, the main difference between the Noahite covenant and the circumcision prescriptions is that in the Noahite covenant the rainbow involved no action at all on the part of human beings. While it is possible to draw a parallel between circumcision and the rainbow, there are clear statements that the failure to circumcise has implications for the state of the covenant; there are consequences. “Any uncircumcised male who is not circumcised in the flesh of his foreskin shall be cut off from his people; he has broken my covenant.”⁹⁸ In this case circumcision is not so much a sign that the covenant exists, but rather a defining element of it. In that sense, it is totally different from a rainbow in the sky. Thus, we find no longer a promissory covenant lacking specific conditions, but rather one involving exact stipulations. The acceptance of circumcision entailed the acceptance of the terms of the covenant by the people, and its rejection was a rejection of the covenant itself. It concerned either with being ‘in’ the people, or being ‘cut off’; it was a marker of identity.

The relationship between circumcision and covenant is open to both interpretations, either as a sign of an already established covenant between Abraham/Patriarchs and the LORD, or circumcision as an

⁹⁷ Genesis 17.9-10.

⁹⁸ Genesis 17.14.

obligation imposed in covenantal terms on the human side of divine/human covenant. This covenant may either demand the fulfilment of certain stipulations, or it may be essentially promissory in nature.

The relationship between these two elements of the Abrahamic covenantal foundation, with the ancient rites and the promise of land on the one hand, and the covenant of circumcision on the other, has inevitably given rise to the proposition that they come from different sources. It is true that the two passages differ. The first, the covenant with Abraham through sacrifice, engages the listener in the action of the scene, while the second appears more as a divine monologue. It is tempting to provide historico-critical analysis; the Deuteronomists redacted the ancient Abrahamic stories in the first account with its focus on land, then the Priestly source/redactor(s) concerned themselves with the second, moving from issues of the land to external signs of belonging. Historical-criticism, however, will not provide an answer, as there are many different voices being heard in the final form of the narratives.

Attractive hypotheses are both the strength of source theory and the traditio-historical method, and their weakness. Ultimately, we cannot gain any definitive insights into the foundations, and thus the meanings, of the Abrahamic covenant traditions. However, these methods do bring to light the inner inconsistencies in the narratives. We have already supposed a development in the tradition of the revelation of the name of the LORD, and the incorporation of the Patriarchal traditions, which is explicitly mentioned in the text, and so we can also suppose that the Patriarchal covenant/s themselves were not static. So what covenant means is not always fixed and clear.

We may, then, sum up the essentials of the Patriarchal covenants as follows. According to different interpretations, either they are essentially promissory in nature, or they are covenants involving obligation. If they are fundamentally promissory, then the covenant is essentially one sided, with the status of circumcision being either an obligation to be fulfilled, or a symbol of covenant relationship already established. If they involve obligation and stipulation, then this takes the form of the demand of circumcision. In either case, the LORD promises something, either land or successive generations. Depending on the reading of the texts, circumcision is either a marker of inclusion into the community or an obligation to be kept.

If there is confusion in the heart of the Patriarchal covenant itself, then this may be a result of the dual nature of what is promised. The Patriarchal covenant serves a specific theological purpose within the wider Old Testament narratives, being a formative stage in the stories of the origins of the people. This covenant stands surety for the call of God to Abraham, the foundation myth which sets the rest of history

in motion. This covenant is the motivation for bringing Abraham forth from Ur of the Chaldeans,⁹⁹ and will eventually be fulfilled in the future. Here the two promises, of land and generations, are intertwined. Even years later, when the Israelites were in bondage in Egypt, “God heard their groaning, and God remembered his covenant with Abraham, with Isaac, and with Jacob.”¹⁰⁰ These two foundational narratives, Abraham’s call, and the Israelites’ deliverance, were connected not by chance, but by consequence. It was because of the existence of the covenant with the Patriarchs that the LORD led forth His people from bondage. And their destination was to be none other than the land promised by God to their forefathers. In the final form of the biblical narrative, Abraham and Exodus have been connected. Then, as a *coup de grace*, this is woven with the Mosaic covenant at Sinai.

“Yet for all that, when they are in the land of their enemies, I will not spurn them, neither will I abhor them so as to destroy them utterly and break my covenant with them; for I am the LORD their God; but I will for their sake remember the covenant with their forefathers, whom I brought forth out of the land of Egypt in the sight of the nations, that I might be their God: I am the LORD.” These are the statutes and ordinances and laws which the LORD made between him and the people of Israel on Mount Sinai by Moses.¹⁰¹

The theological justification for the forgiveness of offences not yet committed was sought by reference to the past; explicitly the Patriarchal covenant. The LORD had acted in the recent past, through the Exodus, because of a promise made long ago. This was so that the people might be constituted in the present, “that I might be their God”. And they were instructed to act in the future, through the Sinaitic covenant, in a certain, prescribed, manner. Past, present and future, with covenantal actions or implications in each, have been blended together into a complex theological arrangement, far from the simplicity of the original Patriarchal covenant.

What, then, of the Abrahamic covenant? It is unclear if this should be modelled on parallel Ancient Near Eastern covenants, as different interpretations disagree on the presence or otherwise of binding ordinances. Circumcision could be the obligation, or it could be a sign of identity brought about by status; they were circumcised because they were members of God’s people.¹⁰² Undoubtedly the Patriarchal covenant, explicitly referenced as with ‘Abraham, Isaac and Jacob’, became a cypher referring to the people of Israel in earlier ages, but the origins and original meaning of such a covenant

⁹⁹ Genesis 11, specifically referenced in Genesis 15.

¹⁰⁰ Exodus 2.24.

¹⁰¹ Leviticus 26.44-46.

¹⁰² The importance of circumcision as an identity of Jewishness is interesting. I Maccabees 1.14-15 reads “So they built a gymnasium in Jerusalem, according to Gentile custom, and removed the marks of circumcision, and abandoned the holy covenant. They joined with the Gentiles and sold themselves to do evil.” Here, the removal of the sign of circumcision is one in a list of ways in which the Jews are rejecting their relationship with God. However, the previous mention of “covenant with the Gentiles”, I Maccabees 1.11, followed by the practical way this was accomplished, “and removed the marks of circumcision, and abandoned the holy covenant”, parallels a new covenant with the Gentiles to abandonment of the covenant with the LORD, shown in removing the marks of circumcision. This would then be the way they “joined with the Gentiles and sold themselves to do evil.”

are obscure. Inasmuch as it reflects a gratuitous election and gift to Abraham continued through Isaac and Jacob, then it resembles the covenant with Noah, but whereas with Noah ‘all flesh’ had been the partner, here the boundaries have been limited. This may have been a one-sided gift, but it was not a gift for everyone.

The Covenant at Sinai

In our examination of ‘covenant’ in the work of certain Old Testament theologians in the early twentieth century, the covenant at Sinai played a central role. This is because of its importance in the Old Testament corpus, and especially in the giving of the Law. The Sinai narrative stretches from Exodus 19 to Numbers 10,¹⁰³ although the accounts which are presented as the historic events are more circumscribed. The encounter at Sinai is related in Exodus chapters 19, 24 and, together with the episode of the Golden Calf, chapter 32. Although source critics have tried to isolate an individual event, for example Noth’s “terrifying theophany”,¹⁰⁴ and others have tried to find its meaning as essentially one tradition among many in the cultic amphictyony,¹⁰⁵ the biblical account of the covenant at Sinai is much richer and fuller.

The Sinai event, or the recorded elements of it, defined the people of Israel in terms of both connection with the Mosaic covenant, and acceptance of the whole body of the Law. Exodus chapter 19 sees the beginning of the story, while Leviticus records the unfolding of the Law in the context of the Sinai tradition. There are obvious problems with a smooth reading of the texts, and a simple historical identification of what happened at Sinai and the later Law cannot be made.

Turning first to Sinai, the introduction to the Exodus account gives a clear outline,

Now therefore, if you will obey my voice and keep my covenant, you shall be my own possession among all peoples; for all the earth is mine, and you shall be to me a kingdom of priests and a holy nation. These are the words which you shall speak to the children of Israel.¹⁰⁶

Here, what was offered was much greater than the Patriarchal gift of the land. This introduction, before any stipulations had been made, was essentially about the identity of Israel over and against the other nations of the earth, “you shall be my own possession among all peoples”. The tone of the address is one of divine declamation, which is fitting for the LORD’s side of a covenantal agreement, but demands a cultic response from the people, a response which is to include ritual purity. These two elements are

¹⁰³ G. VON RAD, *Old Testament Theology*, p.187, uses the references to Kadesh before and after the Sinai periscope to isolate it from the surrounding text.

¹⁰⁴ M. NOTH, *Exodus: A Commentary*, London, 1962, p.153.

¹⁰⁵ G. VON RAD, *op. cit.*, pp.15-36.

¹⁰⁶ Exodus 19.5-6.

not exclusive, but rather inform each other and give a further depth of meaning to Sinai, moving from a simple covenant agreement to a holy rite within a broader covenantal system. Already chosen from among the nations, the Israelites were to be holy by keeping the commands that were about to be delivered to them. These commands were cultic, societal and personal.

While it is impossible to uncover a *Sitz im Leben* for the Sinai drama, we would be naïve to think that the account was simply a factual retelling of a historical incident. The importance of Sinai was in the encounter of the people with the LORD in the thunder of the mountain. From this encounter, either as a result of it, or by means of it, the Israelites formed a covenant with the LORD, one which bore clear laws and obligations. From their side, having accepted this covenant, the Israelites had to enter the land in order to fulfil their identity and become a kingdom of priests and a holy nation. In this way, and only in this way, would they prosper. In the final biblical text, questions, such as whether this shows more of the concerns of Deuteronomy than Sinai,¹⁰⁷ become secondary. At the centre of the Sinai event, there is a rite which incorporates ancient cultic elements, and which finds its fulfilment, through the Law, in the centuries to come.

Then he took the book of the covenant, and read it in the hearing of the people; and they said, "All that the LORD has spoken we will do, and we will be obedient." And Moses took the blood and threw it upon the people, and said, "Behold the blood of the covenant which the LORD has made with you in accordance with all these words."¹⁰⁸

The book of the covenant, here assumes a stable identity which is identifiable as 'the Law'. Whether this was originally part of the Sinai tradition is unknown, though it is possible to separate the section concerning the Law from the blood manipulation rites. These rites would then come from a much earlier tradition which afterwards would have evolved to include the formal acceptance of a written code. If we follow this process, then the separation of the two traditions would place the 'historic' elements of the Sinai tradition earlier than the Law traditions. This does not mean, however, that either of the two was devoid of covenantal language; both could have been described in covenantal terms. Thus, the injunctions and commands, which the biblical text asserts comes from God's covenant with His people at Sinai, would be historically secondary, while the revelation 'event' would have historic priority. 'Covenant' could serve as a link between them. Following this argument, the development of the core Sinai tradition would have involved its modification in Exodus 34 when the Decalogue, and by extension the Law, became the 'words of the covenant'. This unfolding of Laws is indicated in Deuteronomy.

Then the LORD spoke to you out of the midst of the fire; you heard the sound of words, but saw no form; there was only a voice. And he declared to you his covenant, which he commanded you to perform, that is, the ten commandments; and he wrote them upon

¹⁰⁷ For this view see B. S. CHILDS, *Exodus*, London, 1974, pp.353f.

¹⁰⁸ Exodus 24.7-8.

two tables of stone. And the LORD commanded me at that time to teach you statutes and ordinances, that you might do them in the land which you are going over to possess.¹⁰⁹

The Decalogue is to be made explicit in the statutes and ordinances which are to follow. The account in Deuteronomy assumes that the Law will be expounded when the people are in the land. However, if this Law is removed from the Sinaitic covenant, it is also possible that the Decalogue itself was not originally included.

Because of the inclusion of Law stipulations, and, when thinking of the overall structure of the book of Deuteronomy, the covenant at Sinai resembles the contractual agreements we come across in the Ancient Near East. Here is the source of the identification of the Old Testament covenants with Ancient Near Eastern treaties. As this 'primary' Old Testament covenant at Sinai resembled suzerainty vassal treaties, these treaties became the model for all Old Testament covenants. There are obligations placed on the participants, especially on the Israelites, with consequences enjoined. However, there are marked differences in the versions in Exodus and Deuteronomy. In the Exodus account there is a basic lack of the covenantal literary form, which for example we can see in Deuteronomy.¹¹⁰ While the latter shares pronounced similarities with Ancient Near Eastern treaties, the version of the Sinaitic covenant in Exodus is based on the cultic, sacrificial nature of the covenantal action. This element is entirely missing from Deuteronomy. Even within this one covenant at Sinai, there is no consistent picture presented. Exodus shows a covenant-making ceremony involving sacrifice, in some manner similar to the covenant between the LORD and Abraham in Genesis 15, while Deuteronomy presents a covenant at Horeb which more resembles a treaty.

Both of these traditions of the Sinaitic covenant can be compared to the covenant with the Patriarchs. Deuteronomy emphasises the radical distinction between the two. It records that the covenant action at Sinai occurs in the moment, and is established with those who were present. It was made 'today', and was to be kept 'today', "The LORD our God made a covenant with us in Horeb. Not with our fathers did the LORD make this covenant, but with us, who are all of us here alive this day."¹¹¹ This was a new covenant which was explicitly split off from any preceding covenant. This is not the Patriarchal covenant, as it was not made 'with our fathers'. This pattern of multiple covenants occurs elsewhere in Deuteronomy.¹¹² Thus the Patriarchal covenant is connected to the Sinaitic only through the participants. Whether by the circumcision stipulations, or the promissory covenant, the people were identifiable. They were the 'us' with which the LORD made covenant at Horeb.

¹⁰⁹ Deuteronomy 4.12-14.

¹¹⁰ G. VON RAD, *The Problem of the Hexateuch and other essays*, p.27.

¹¹¹ Deuteronomy 5.3.

¹¹² Deuteronomy 29.1.

If we turn and consider the Sinai covenant in Exodus, and strip away the longer prescriptions of the Law, then at the heart it concerns the identity of the Israelites in relation to the LORD. Following the interpretation of the Patriarchal covenant as involved with identity rather than covenantal prescription, then there is a similarity with the early Sinaitic traditions from Exodus. The Israelites were to be “my own possession among all peoples”. The later obligations and stipulations, seen in the very structure of Deuteronomy, would be at odds with the core of Sinai, only afterwards growing out from it. In this grand narrative, the Patriarchal covenant, by being remembered,¹¹³ was the motivation for bringing the Israelites out of Egypt. Having constituted the people by that action, at Sinai their purpose was revealed,¹¹⁴ and then, later, the means to bring it about was given to them.¹¹⁵ The covenant at Sinai, however, became increasingly important, not as the covenantal action of Exodus, but by what it delivered, namely the Law. The rise of the Law shed its light on the moment when it was delivered. The covenant at Sinai gave an immediacy to the Law precisely because it was transactional in form; to keep the Law meant to live in the land securely, and to be a nation holy to God. When returning from Exile, how were the Israelites to be safe, how were they to do the will of God? Only by following the Law, which had been given through the unique intercession of Moses, “there has not arisen a prophet since in Israel like Moses, whom the LORD knew face to face.”¹¹⁶

There are also other places in the Old Testament where the Sinai covenant is alluded to, but where the term ברית is not mentioned, for example in the prophet Jeremiah.¹¹⁷ In Jeremiah explicit mention of ברית is not frequent, but the Sinai tradition, as the primary covenant between God and His people, is strong. We have already observed, in the previous section dealing with ‘covenant’ in the pre-conciliar Old Testament theologians, that ברית is not common in the pre-exilic prophets.

To sum up, the Sinai covenant, as with the other covenants which we have looked at, similarly poses various difficulties. The two accounts, in Exodus and Deuteronomy, are different in form and purpose. At its centre, Exodus described a ritual action whereby the people were confirmed in their relation to the LORD. Deuteronomy, however, both in its account of the events on Horeb and its very structure, delivers the obligations and stipulations in covenantally formulaic terms. The extent to which either of these version is associated with the Patriarchal covenant is not made clear in the texts.

The Covenant with David

¹¹³ Exodus 2.24.

¹¹⁴ Exodus 19.6.

¹¹⁵ Exodus 21.1.

¹¹⁶ Deuteronomy 34.10.

¹¹⁷ See Jeremiah 11.2, 3, 6, 8, 10; 13.21; 22.9; 50.5: The old and new Covenant are present in 31.31, 32, 33. 11.1-17, 31 seem to be modelled on Deuteronomy 5.2-3.

The figure of David, as the great King of Israel/Judah, casts a long shadow in the Old Testament. In certain places, the relationship between David and the LORD is referred to as ברית,¹¹⁸ but this is not the case in Nathan's speech in II Samuel 7, which is one of the foundational declarations of the Davidic covenant, "When your days are fulfilled and you lie down with your fathers, I will raise up your offspring after you, who shall come forth from your body, and I will establish his kingdom. He shall build a house for my name, and I will establish the throne of his kingdom for ever".¹¹⁹ This passage is promissory in nature and can be argued to reflect the unconditional nature of the Davidic covenant.¹²⁰ This covenant is firmly established in both David's final discourse, and within the Psalms. On the point of death, David says,

The God of Israel has spoken, the Rock of Israel has said to me: When one rules justly over men, ruling in the fear of God, he dawns on them like the morning light, like the sun shining forth upon a cloudless morning, like rain that makes grass to sprout from the earth. Yea, does not my house stand so with God? For he has made with me an everlasting covenant, ordered in all things and secure. For will he not cause to prosper all my help and my desire?¹²¹

The description of this covenant as 'eternal' is key. We have already encountered the term ברית עולם, 'everlasting covenant', with reference to Abraham,¹²² and it also occurs regarding the returning exiles.¹²³ ברית עולם, therefore, is not used exclusively for David. The prophecy, quoted above from II Samuel, refers to the house of David. This raises the question that inasmuch as we know that the monarchical House of David came to an end, exactly how עולם was this Davidic ברית עולם? However, the text is quite clear that this covenant is everlasting,¹²⁴ so the dating of the text is important. Declaring this to be an everlasting covenant only makes sense if it is within a context of a regnant Davidic descendant or the hope of one such. Other poetic parts of II Samuel seem to point to its composition in the monarchical age,¹²⁵ but it could also be argued that as other instances of ברית עולם reference the return of the exiles, then the Davidic monarchy was no longer something primarily historical but had become Messianic expectation.¹²⁶ David's covenant, though it is eternal, develops into something much greater than a monarchical dynasty.

¹¹⁸ II Samuel 23.5; Jeremiah 33.21; II Chronicles 13.5, 21.7; Psalm 89.

¹¹⁹ II Samuel 7.13-14.

¹²⁰ See T. N. D. METTINGER, *King and Messiah: The Civil and Sacral Legitimation of the Israelite Kings*, Lund, 1976, pp.278-279.

¹²¹ II Samuel 23.3-5.

¹²² Genesis 17.7. Here the ברית עולם is between not only God and Abraham, but between God and his seed. The ברית עולם is made real in history. It also has this Patriarchal reference in I Chronicles 16.17, Psalm 105.10 (Vulgate 104.10).

¹²³ Isaiah 61.8; Jeremiah 32.40, 50.5; Ezekiel 16.60, 37.26; Baruch 2.35 (referencing the Abrahamic covenant).

¹²⁴ See T. N. D. METTINGER, *op. cit.*, p.281.

¹²⁵ II Samuel 1.19-27, 3.33-34. Others place it in the time of Solomon. See P. K. MCCARTER, *II Samuel: Anchor Bible Commentary*, New York, 1984, p.484.

¹²⁶ T. N. D. METTINGER, *op. cit.*, pp.282-283.

This development can be seen in the work of the Chronicles. The Chronicler sustains a high theology of the Davidic covenant throughout the work. When examining parallel accounts of Kings and Chronicles, where Kings has the historical priority, we can see changes made which emphasise the importance of the Davidic covenant. II Kings 8 recounts the story of the evil of Jehoram, “Yet the LORD would not destroy Judah, for the sake of David his servant, since he promised to give a lamp to him and to his sons for ever.”¹²⁷ In II Chronicles, the language was changed “Yet the LORD would not destroy the house of David, because of the covenant which he had made with David, and since he had promised to give a lamp to him and to his sons for ever.”¹²⁸ יהודה, ‘Judah’, becomes בית דוד, ‘house of David, and למען דוד עבדו, ‘for the sake of David his servant’, becomes למען הברית אשר כרת לדוד, ‘for the sake of the covenant which he made with David’. Even if the historic circumstances of later ages changed the composition, and at times existence, of the monarchy, still the eternal covenant to David was remembered, and, if anything, strengthened, at least in the work of the Chronicler.

References to the Davidic covenant are also found in certain Psalms, primary among them Psalm 89.¹²⁹ Again, in this text the eternal nature of the covenant is stressed, “I will establish your descendants for ever, and build your throne for all generations.”¹³⁰ This is not conditional on David’s descendants fulfilling any obligations,

If his children forsake my law and do not walk according to my ordinances,
if they violate my statutes and do not keep my commandments,
then I will punish their transgression with the rod and their iniquity with scourges;
but I will not remove from him my steadfast love, or be false to my faithfulness.
I will not violate my covenant, or alter the word that went forth from my lips.¹³¹

The Davidic covenant is bound up with both the monarchy and the stability of the monarchy. The personal nature of the relationship between David and the LORD is strengthened by וחסי לא־אפיר מעמו, ‘my steadfast love I will not remove from him’, and is extended to the generations following him.

The imagery and theology of the perpetual nature of the Davidic covenant were used as a means to help the people survive the experience of the Exile, for example Isaiah 55.¹³² Ezekiel pointed to a future Davidic figure who would shepherd the people, which would be a ‘Covenant of Peace’, ברית שלום, bringing with it cosmic implications.¹³³ David is called a ‘prince’ and not a King, here perhaps a cipher for ‘ruler’, not necessarily a ‘king-who-is-to-come’. Davidic imagery is also used to bolster other groups

¹²⁷ II Kings 8.19.

¹²⁸ II Chronicles 21.7.

¹²⁹ Vulgate Psalm 88.

¹³⁰ Psalm 89.4.

¹³¹ Psalm 89.30-34.

¹³² Isaiah 55.3-5.

¹³³ Ezekiel 34.24-25.

of people, such as the Levites in Jeremiah.¹³⁴ After the Exile, with the ascendancy of the Aaronid priesthood, the position of the Levites needed to be strengthened. Jeremiah did this by paralleling the position of the Levites with the Davidic covenant, “David shall never lack a man to sit on the throne of the house of Israel, and the Levitical priests shall never lack a man in my presence to offer burnt offerings”.¹³⁵ The nature of the Davidic covenant, eternal and projected into future hope, allowed it to be used by priest and prophet alike.

In many ways, the Davidic covenant resembles those which precede it. As with Abraham and Noah, the covenant concerns not only the individual, but the generations following him. Also, the covenant seems one sided and is promissory in nature; neither David nor his descendants need to do anything to receive the covenantal status. However, historically we know that the Davidic monarchy came to an end and was not restored. Whereas a generic covenant with Noah could never be threatened, and the Abrahamic covenant promising descendants and land was continually being fulfilled, the promise of an eternal throne of Kingship was rather more difficult to sustain.¹³⁶ Yet the Davidic covenant, promissory and open-ended, was used to give the people hope in Exile, precisely because they were not culpable in its abandonment, and thus not responsible for its fulfilment. In this way, the Davidic covenant is very different from that forged on Sinai, and yet they both served the same end.

The New Covenant

When thinking of the new covenant, we must beware of reading the witness of the New Testament and the later Christian interpretation into ברית חדשה, ‘the new covenant’. Although there are echoes elsewhere in the Old Testament, the term New Covenant finds its *locus classicus* in Jeremiah 31.31-34, וכרתי את־בית ישראל ואת־בית יהודה ברית חדשה, ‘and I shall make with the house of David and with the house of Judah, a new covenant’. As far as possible we should try to understand it in its original context and not through the layers of later meaning.

This ברית חדשה, new covenant, is explicitly “not like the covenant which I made with their fathers when I took them by the hand to bring them out of the land of Egypt, my covenant which they broke”.¹³⁷ The manner of the presentation and preservation of the Law, which since Sinai had become the outward sign of the covenant, was also different “I will put my law within them, and I will write it upon their hearts; and I will be their God, and they shall be my people.”¹³⁸ Jeremiah was writing in the period after the destruction of the Kingdom of Judah in 587 BC.

¹³⁴ Jeremiah 33.17-26. We may compare the Levitical covenant in Malachi 2.

¹³⁵ Jeremiah 33.17-18.

¹³⁶ II Samuel 7.16.

¹³⁷ Jeremiah 31.32.

¹³⁸ Jeremiah 31.33.

Although the term ברית חדשה occurs only in Jeremiah 31, the passage is part of a larger section which concerns the restoration of Israel.¹³⁹ It is one of a set of five salvation oracles positioned after prophecies of desolation. The salvation oracles stress that no matter what, the LORD will not abandon His people. The covenant after the Exile will be everlasting,¹⁴⁰ it will reflect the covenant with David,¹⁴¹ and will bring the people back to the land with a new mission.¹⁴² The language which Jeremiah uses to describe this salvation, and thus the continuing relationship between God and His people, continues to be covenantal.

The interpretation of Jeremiah 31, however, raises a series of questions, namely, to what extent was this covenant new? what was its relationship with the ‘old’ covenant? and how was that ‘old’ covenant to be identified? The oracle itself speaks of the breaking of an unspecified covenant. In the writing of Jeremiah, this must surely concern the breaking of the Law which brought about the fall of the southern Kingdom. This Law is identified with the Sinaitic prescriptions, as this passage states that the new covenant will be ‘written on their heart’ as opposed to being ‘written somewhere else’. Written Law was given on Sinai. Theologians disagree over what the implications would be for the Mosaic/Sinaitic covenant, if this new covenant of Jeremiah is interpreted in this way.¹⁴³ Some argue that the new covenant displaced the old, but this would seem at odds with the practice of the Israelites after the Exile, where the Law was kept with increased vigour. Jeremiah was not repudiating the normal means whereby the LORD has invited/commanded His people to behave. Indeed, Jeremiah does not contrast his ‘new’ covenant with anything ‘old’, but rather with something that was ‘broken’.

Neither is it clear what is meant by having the Law internalised, although this seems to be the main difference brought about by ברית חדשה. Perhaps it was not that the Sinaitic covenant was repudiated, but rather that its observance now was to come from the intimacy of the heart. The heart was the place of the will,¹⁴⁴ and so obedience to the heart would be obedience to the Law. The new covenant was the expression of the essential nature of the person, not the external obedience to Law. In Jeremiah’s narrative, the danger of the people turning away from God again becomes unthinkable, for to do so they would have to go away from the very dictate of their heart. In like manner, even the LORD could only go against His nature for a short time, “Is Ephraim my dear son? Is he my darling child? For as often as

¹³⁹ Jeremiah 30.3.

¹⁴⁰ Ezekiel 16.60; Isaiah 54.10, 52.21, 61.8.

¹⁴¹ Ezekiel 34.25; Isaiah 55.3.

¹⁴² Ezekiel 36.28; Isaiah 42.6; Malachi 3.1.

¹⁴³ For an exposition of positions, see J. R. LUNDBOM, *Jeremiah 21-36, Anchor Bible Commentary*, New York, 2004, p.466.

¹⁴⁴ Jeremiah 29.13, 23.17 *et al.*

I speak against him, I do remember him still. Therefore my heart yearns for him; I will surely have mercy on him, says the LORD.”¹⁴⁵ This salvation, this new covenant, will be everlasting.¹⁴⁶

Although the ברית חדשה is found only in the prophet Jeremiah, we can see similar ideas in other works, notably Ezekiel. His prophecies include certain passages which speak of allegorical stories containing reference to covenant.¹⁴⁷ One such, in chapter 16, concerns the LORD and the foundling girl who became a harlot. It speaks of the deep relationship between God and His people. Ezekiel provides a quite extraordinary extended allegory concerning the sins of the people. The many sins are rehearsed but the result is,

I will establish my covenant with you, and you shall know that I am the LORD, that you may remember and be confounded, and never open your mouth again because of your shame, when I forgive you all that you have done, says the LORD GOD.¹⁴⁸

This is not an obvious conclusion from the narrative that has preceded it. To bring the people back into relationship was not what we would expect from the preceding sins which Ezekiel described. The terrible nature of harlot/Israel’s actions accentuates the merciful actions of God. While this passage does not speak of a ‘new’ covenant, the verse which chimes so readily with the Jeremiah passage, ‘A new heart I will give you, and a new spirit I will put within you; and I will take out of your flesh the heart of stone and give you a heart of flesh’¹⁴⁹ stresses the total commitment of the LORD to Israel,

The ברית חדשה of Jeremiah, then, points to an assurance given when the country was on the point of collapse. In doing so, it expresses in imagery, and in specific language, the hopes of the people both during and after the return of the Exiles. While it is scarcely credible that Jeremiah was declaring that the covenant at Sinai, with its various, fluctuating laws, was now redundant, he did propose a new idea when describing this new situation as a covenant. We cannot know if Jeremiah simply envisaged that the same laws (inasmuch as the laws were ever the same) would now be inscribed on the heart, or that there would be a wholly new dispensation, but no matter what he did, he did it in covenantal language.

We began this section by warning of the risk of over emphasising the ‘new covenant’ because of New Testament readings. This remains a danger, for although we may detect different covenantal relationships both in in Qumran and in the New Testament, ברית חדשה is not, and does not become, a guiding theme in the Old Testament.

¹⁴⁵ Jeremiah 31.20.

¹⁴⁶ Jeremiah 32.40.

¹⁴⁷ See also Ezekiel 17.

¹⁴⁸ Ezekiel 16.62-63.

¹⁴⁹ Ezekiel 36.26.

Part 3: Covenant in the Book of Jubilees

The book of Jubilees is a pseudepigraphal work outside the Canon of the Old Testament, and contains no new covenants. It is included here because it tries to resolve some of the issues which we have outlined above. We have seen that there are tensions between the number of covenants which were made with individuals, or with generic groups of people. Jubilees stands as an attempt to view these covenants together as one single idea.

Jubilees is different from other works written at a similar time, such as the Qumran Damascus Document,¹⁵⁰ as it does not come from a sectarian setting as far as we can tell. The community at Qumran, no matter its nature, was separated by theology and ideology. This was not the case with the audience of the book of Jubilees. Jubilees most probably finds its place in the period of the Maccabean revolt, or thereabouts.¹⁵¹ In form, Jubilees is not simply a redaction of sacred history, nor is it a new version of what has happened, rather it weaves into the narrative of God's dealings with Israel a new motif – the motif of the Heavenly Tablets which would arguably later evolve into a theology of the Oral Torah.¹⁵² Jubilees views biblical history as a folding of later ages on earlier ones; the re-formation of creation after the Flood, and the multiple layers of covenantal events established through the Noahic covenant.

Central to the book of Jubilees is the identity of Israel as a people and their constitution under the covenantal actions of God. The people of Israel are to be holy to the LORD, and through this are to bring holiness to the world.¹⁵³ Israel is to participate in and reflect the realities of heaven. Both they and the angels of sanctification share in the covenant of circumcision,¹⁵⁴ and as the angels keep the Sabbath in heaven, so Israel, of all the nations, observes it on earth,¹⁵⁵ and reflects the reality of heaven. In Jubilees, Jacob himself instituted the Levitical priesthood, thus ensuring the Temple service and its resulting holiness, before even the Temple was built.¹⁵⁶ History is turned in on itself, with earlier stipulations only able to be fulfilled at a later period.

¹⁵⁰ The Damascus Document, CD 16.2-4, see G. VERMES, *The Complete Dead Sea Scrolls in English*, London, 2004.

¹⁵¹ For possible dating see O. S. WINTERMUTE, 'Jubilees (Second Century B.C.): A New Translation and Introduction', in J. H., CHARLESWORTH (ED.), *The Old Testament Pseudepigrapha*, New York, 1985, p.43; J. C. VANDERKAM, *An Introduction to early Judaism*, Cambridge, 2001, p.97. See also J. C. VANDERKAM, *Calendars in the Dead Sea Scrolls: Measuring Time*, London, 1998, pp.27-33.

¹⁵² G. BOCCACCINI, 'From a Movement of Dissent to a Distinct Form of Judaism: The Heavenly Tablets in Jubilees as the Foundation of a Competing Halakah', in G. BOCCACCINI, and G. IBBA, *Enoch and the Mosaic Tradition: The Evidence of Jubilees*, Eerdmans Publishing Company, Cambridge, 2009, pp.193-210. J. VANDERKAM, 'The Origins and Purposes of the Book of Jubilees', in M. ALBANI, J. FREY, A. LANGE (EDS), *Studies in the Book of Jubilees*, Mohr Siebeck, Tübingen, 1997, p.18.

¹⁵³ See C. T. R. HAYWARD, *The Jewish Temple: A non-biblical sourcebook*, London, 1996, p.87.

¹⁵⁴ Jubilees 15.27-28.

¹⁵⁵ Jubilees 2.18-19.

¹⁵⁶ Jubilees 30.14.

That Israel may perform her function of being a nation of priests and holy to the LORD, the book of Jubilees is concerned with the keeping of prescribed feasts and calendars. These needed to be correctly calculated so that the will of God could be followed. This overriding concern leads to Jubilees' focus on calendars, and the question of which to use; the lunar or solar. Jubilees places the exclusive use of the solar as opposed to the lunar calendar as being ordained from the moment of creation. Here covenant plays an important role, as this calendrical practice is linked with the Noahic covenant. The times of the feasts and celebrations are as fixed as the seasons themselves.¹⁵⁷ If they were not followed, then the Israelites would be no better than the gentiles, and would be guilty of the crime against the first, Noahic, covenant "...they will set awry the months and the (appointed) times and the sabbaths and the feasts, and they will eat all of the blood with all flesh."¹⁵⁸ This concern with the calendar does not stand opposed to covenant, but is intertwined with it. Covenant served not only to be the marker of Israel as the nation who keeps the Sabbath, and so shares in the divine reality, but also gives the means whereby she may perform it correctly.

However, after prioritising the Noahic covenant, there remains the issue of its relation to the other biblical covenants. By emphasising biblical history as revolving around foundational events, Jubilees seeks to solve the problem of the Old Testament covenants by collapsing them into the Noahic covenant. Jubilees views this covenant with Noah as an eternal, pre-existing reality. The physical, external expressions of the various covenants are morphed into the Noah event, and this in turn becomes part of the eternal choice of Israel by God.¹⁵⁹ Jubilees does not claim that the later covenants were merely reflections or reiterations of the Noahic covenant, but rather that these further covenants, which unfolded in time, were expansions on the primal, Noahic, covenant. Each had their own particular concerns: Noah was concerned with prohibitions on the consumption of blood; the Patriarchs with circumcision; Moses with the giving of the law on Sinai &c. One of the ways that Jubilees does this is by describing the renewals of these covenants during the festival of Weeks (Shebuot). These are privileged days because Jubilees says that all of the covenants were made on the same date, namely the one on which the covenant of Noah was founded,¹⁶⁰ the renewal by Moses,¹⁶¹ the covenant with

¹⁵⁷ Jubilees deliberately changes the order of the text from Genesis 8 concerning the seasons. "While the earth remains, seedtime and harvest, cold and heat, summer and winter, day and night, shall not cease." (Genesis 8.21) This is stated before the Noahic covenant in Genesis. In Jubilees 6.4, the author has inserted "and he made a covenant with him so that there might not be flood waters which would destroy the earth" then the promise of seasonal stability.

¹⁵⁸ Jubilees 6.38.

¹⁵⁹ C. T. R. HAYWARD, *op. cit.*, p.95 proposes a connection between the Noahic covenant, the prohibition on the eating of blood, Sinai, the Feast of Weeks, and the Tamid evening sacrifice through the imagery of blood.

¹⁶⁰ Jubilees 6.1-21.

¹⁶¹ Jubilees 6.19.

Abraham,¹⁶² the inauguration of the practice of circumcision and the naming of Abraham and Sarah,¹⁶³ the birth of Isaac,¹⁶⁴ and his weaning,¹⁶⁵ Abraham's final words and his death,¹⁶⁶ the covenant between Jacob and Laban,¹⁶⁷ and Jacob's offering at the well of the oath.¹⁶⁸ Jubilees' account of biblical history finds its deepest expression in the Noahic covenant with its implications for Israel and the world.

An obvious danger with such an emphasis on the Noahic covenant is the issue of the infidelity of the Israelites. Even though the covenant may be broken by generations, it would not be annulled by their actions.¹⁶⁹ Even though in Jubilees, some of the generations following Noah did not follow the covenant, still the covenant existed and sprang into life again when a more faithful generation arose. Even if certain generations were unfaithful, there would be a time when fidelity would be restored and then the feast would again be kept and the covenant celebrated. There is a distinction made between individual observance of the ordinances and the eternal reality of the covenant. Jubilees 15.1-34 describes circumcision as a sign of the 'eternal ordinance', but if for whatever reason it was not carried out, then "that soul shall be uprooted from its family because he has broken my covenant."¹⁷⁰ The individual is cast out, but the covenant remains: Israel, as a whole, continued to participate in the realm of the angels. The problem occurred, of course, when the nation as a whole, under the general apostasy of Antiochus IV Epiphanes, failed to renew the covenant at the Feast of Weeks. For the author of the book of Jubilees, this threatened not only individuals and Israel, but the whole stability of the cosmos.

In Jubilees, covenant concerns identity and the preservation of Israel in relation to God. The biblical text, in prioritising one individual over another, Isaac as opposed to Ishmael, Jacob as opposed to Esau, allowed Jubilees to delineate the covenantal community.¹⁷¹ This was important, because if the Israelites were not in correct relation to God, they would not flourish. The physical and religious existences of Israel radically influenced each other. Jubilees was involved in a whole process of developing a theology of the supernatural realm. God did not reach into history and establish a covenant with Israel, rather covenant was the way in which the very universe itself had been established. Jubilees developed the idea of related though distinct covenantal moments in Israel's history and wove them together into one covenantal action by God. Thus, there was no need to look for one covenant, one moment in time when the covenant was established (immediately raising questions of the relative worth and purpose of

¹⁶² Jubilees 14.1-16.

¹⁶³ Jubilees 15.1-34.

¹⁶⁴ Jubilees 16.13.

¹⁶⁵ Jubilees 17.1.

¹⁶⁶ Jubilees 22.

¹⁶⁷ Jubilees 29.7-8.

¹⁶⁸ Jubilees 44.1.

¹⁶⁹ W. K. GILDERS, 'The Concept of Covenant in Jubilees', in G. BOCCACCINI, and G. IBBA (EDS), *op. cit.*, pp.178-179.

¹⁷⁰ Jubilees 15.14.

¹⁷¹ J. T. A. G. M. VAN RUITEN, *Abraham in the Book of Jubilees*, Brill, Leiden, 2012, pp.162-164.

other covenants) for Jubilees liberated covenant from its historical limitations, establishing it as a supernatural reality which manifests itself at various points in time.

So we may say that even though the influence of the book of Jubilees was limited and did not spread through other Jewish literature, we can see it pointing to later ideas, such as the oral Torah and an eternal cosmic covenant. Jubilees' focus on the role of Israel in the world and before God, stresses the nature and function of covenant. It provides solutions to a number of problems which are raised when faced with covenant in the Old Testament texts, namely questions of the interrelationship of the individual covenants and their overall purpose. Covenant, however, is not simply a solution, rather it is part of the divine purpose and will. In contemplating this wider question, Jubilees reworks the way in which covenant is conceived: no longer many but one, and no longer limited but ahistorical.

I have included the covenant in Jubilees in this work, because it tries to deal with the relationship between the covenants within the biblical text. Of course, it does this from its wider theological framework, but by concatenating the covenants, and folding them into the Noahic covenant, Jubilees provides an elegant solution to the different covenants found in the Old Testament. That the author felt the need to do this is interesting, because it shows that the Old Testament did not provide a stable and consistent idea of how these covenants fitted together.

Covenant in the New Testament

I do not wish to provide a New Testament theology of covenant, or indeed probe the relationship of the New Testament with the Old. Rather, I simply wish to show that the term 'covenant' is not used in a univocal way in the New Testament. I wish to do this not primarily to examine the New Testament, but to say that the Old Testament does not hand over any specific idea of what a covenant is to the New Testament as a whole. We have seen that the author of the book of Jubilees attempted to deal with the plethora of Old Testament covenants by merging them together. I wish to show that the various New Testament writers do not attempt this kind of reconciliation, but rather allow the different traditions to stand side by side.

If it was difficult to read the Old Testament free of certain interpretational presuppositions, then this is much more difficult when looking at the New Testament. The rise of covenantal nomism in recent years has strongly influenced Pauline scholarship, and has changed the way in which many consider the issue of covenant.¹⁷² This is the idea that having been born into the covenantal relationship with God, the law provides the means whereby that relationship is fostered and strengthened. However, this development

¹⁷² See E. SANDERS, *Paul and Palestinian Judaism*, Philadelphia, 1977.

occurs after the deliberations of the Council Fathers, and so even if it is a good hermeneutical tool, which I will examine later, I am reluctant to use it as the means of interpreting the New Testament texts.

We should note that any attempt to consider the use of ‘covenant’ in the New Testament could be influenced by the way the final text of *Nostra Aetate* references Romans 9-11. Although other New Testament references are given in *Nostra Aetate*, both Romans 11 and 9.4-5 are quoted in the context of ‘covenant’. Although this prioritises the texts from Romans in *Nostra Aetate*, it does not necessarily follow that these sections either reflect the normal way that ‘covenant’ is used in the New Testament (assuming that there is a normative use of the term) nor that the Romans texts themselves are dominant in the New Testament corpus. Indeed, as a sustained exegesis of ‘covenant’ in the letter to the Hebrews is carried out in the 2015 document *Gifts*, which will be extensively examined below, it could be argued that the absence of the Hebrews in *Nostra Aetate* is more of note than the inclusion of Romans. However, this section of the thesis tries to interrogate the Biblical texts, rather than how they are later used in conciliar documents.

Διαθήκη is the standard Septuagint translation for the Old Testament term ברית, though it is not generally used in attic Greek.¹⁷³ This translation into Greek fits the Hebrew sense, with διαθήκη taking on the multiple meanings of ברית and adapting itself to its various surroundings, religious or secular. In the New Testament, διαθήκη does not occur often, only a total of thirty-three times, of which thirty are singular and three plural.¹⁷⁴ Of the singular uses, four are generally not translated as ‘covenant’ but as ‘will’ in the sense of a legal, secular document.¹⁷⁵ There are also four other occasions, all found in Hebrews, where the term διαθήκη is not used, but the term ἡ πρώτη refers back to a covenant which has already been mentioned.¹⁷⁶ There are two instances where ‘covenant’ is used as part of a compound term, referring to an object, such as the Ark of the Covenant, ἡ κιβωτὸς τῆς διαθήκης, in Hebrews and the Apocalypse, and the tables of the covenant, αἱ πλάκες τῆς διαθήκης, in Hebrews.¹⁷⁷ There are also places where ‘covenant’ is used in the narratives of the institution of the Eucharist, or in reference to it.¹⁷⁸ Although these Eucharistic references are essential to the way Christianity developed, especially liturgically, they do not refer to specific Old Testament covenants.

If we discount the four legal/secular uses, the references to liturgical objects, and the Eucharist, then ‘covenant’ (including the four instances of ἡ πρώτη) occurs a total of twenty-five times in the New

¹⁷³ See A. JAUBERT, *La Notion d'Alliance dans le Judaïsme aux Abords de l'Ère Chrétienne*, Paris, 1963, pp.311-315; M. HARL, *La Bible d'Alexandrie: La Genèse*, Paris, 1994, p.55. When Josephus or Aquila change certain instances of διαθήκη for συνθήκη, it is done for stylistic rather than polemical reasons.

¹⁷⁴ Plural terms are found in Romans 9.4, Galatians 4.24, and Ephesians 2.12.

¹⁷⁵ Hebrews 9.16, 17; Galatians 3.15, 17.

¹⁷⁶ Hebrews 8.7; 8.13; 9.1; 9.18.

¹⁷⁷ ‘Ark of the Covenant’ in Hebrews 9.4, Apocalypse 11.19; ‘tables of the covenant’ in Hebrews 9.4.

¹⁷⁸ Matthew 26.28; Mark 14.24; Luke 22.20; I Corinthians 11.25.

Testament, of which three are plural.¹⁷⁹ Of these twenty-five uses, seventeen are found within the letter to the Hebrews. Including Hebrews, they are more or less evenly split between referring to a new covenant brought about in Christ,¹⁸⁰ or an identifiable covenant happening in the past, on fourteen occasions.¹⁸¹ There is no need to provide a detailed exegesis of these New Testament passages, we simply observe the various ways in which covenant is used, and to what it refers.

Concerning the references to the new covenant brought about in Christ, only two are found outside the letter to the Hebrews. In Romans 11, St Paul had been employing the image of the grafting of olive branches, and then turns to the issue of the final salvation of Israel, "...and this will be my covenant with them when I take away their sins."¹⁸² The reference point is the future, predicted from the past, and the 'taking away of sin' refers to the action of Christ. The verse following, "As regards the gospel they are enemies of God, for your sake; but as regards election they are beloved for the sake of their forefathers" shows that the idea of covenant and election are interchangeable in this passage. Similarly, II Corinthians 3.6, where St Paul declares himself to be a "minister of the new covenant, not in a written code but in the Spirit; for the written code kills, but the Spirit gives life", although the term 'covenant' is used, it is not the centre of his argument. St Paul was using various contrasting ideas, and as such this passage should be considered closely with the reference to the 'old' covenant of 3.14. He states that his letters of recommendation were not written down, but were the example of the Corinthians' lives. He briefly developed the image that this letter was not written with ink on stone, but with the Spirit on the human heart. This latter was the 'new covenant', as opposed to the Mosaic Law. Thus the 'new covenant' was Spirit-filled and led to life, as opposed to the written code on stone tablets, which killed. 'Covenant' here is subordinate to an image which St Paul was about to develop, stone/heart, death/life, and was used primarily as a linguistic connection between these contrasting types.

For our purpose, however, it is better to examine the New Testament references to the 'old' covenant. Some refer to the Patriarchal covenant, such as those in Acts,¹⁸³ while others mention circumcision.¹⁸⁴ The reference to the two covenants in Galatians is part of a sustained Esau/Jacob typology.¹⁸⁵ Thus, from these few examples, 'covenant' is not simply used to refer to the Patriarchal covenant, but also to the Mosaic/Sinaitic, for example the veil over the face of Moses in II Corinthians.¹⁸⁶ In Romans 9, St Paul uses the term in an indistinct way which points more to inclusion than any specific moment, "They

¹⁷⁹ Romans 9.4; Galatians 4.24; Ephesians 2.12.

¹⁸⁰ 12 occasions: Romans 11.27; II Corinthians 3.6; Hebrews 7.22; 8.6; 8.8; 8.10; 8.13; 9.15; 10.16; 10.29; 12.24; 13.20.

¹⁸¹ 14 occasions: Luke 1.72; Acts 3.25; 7.8; II Corinthians 3.14; Hebrews 8.7; 8.9; 8.9; 9.1; 9.15; 9.18; 9.20.

¹⁸² Romans 11.27.

¹⁸³ Acts 3.25; 7.8.

¹⁸⁴ Acts 7.8; arguably Ephesians 2.12.

¹⁸⁵ Galatians 4.22-31.

¹⁸⁶ II Corinthians 3.6.

are Israelites, and to them belong the sonship, the glory, the covenants, the giving of the law, the worship, and the promises; to them belong the patriarchs, and of their race, according to the flesh, is the Christ.”¹⁸⁷ Here, the covenants are unspecified. It may be that they should be understood as being opposed to the ‘giving of the law’, thus excluding the Sinaitic covenant, but this is not a natural reading. It seems that St Paul was listing a series of markers which define Israel. Covenants are one element of this, and, as such, are understood generically.

As we have indicated, the majority of the other references to ‘covenant’ are found in the letter to the Hebrews. Historically, there was debate in the early Church over the inclusion of the Letter to the Hebrews,¹⁸⁸ and the work is not included in the Muratorian Canon.¹⁸⁹ This does not mean that we should discount the work, but merely observe the heavy preponderance of the term ‘covenant’ in the letter which was debated for some time. Hebrews is a sustained and well crafted document, and so although the specific references to ‘covenant’ may be interesting within the text, we must be aware that these references serves a greater theological exercise. We must also note that the letter is not concerned with covenant *qua* covenant, but rather with the new situation (covenant) brought about by the action of Christ. Here, the ‘old’ and the ‘new’ are placed side by side, and the ‘old’ is found to be wanting. The focus is not on the ‘old’ covenant or even on the ‘new’, but rather on the action of Christ in His time on earth, and His continual role in the present and future. Thus He is the fulfilment of the prophecies and images seen throughout the Old Testament, but this comparison is by degree rather than by essence.¹⁹⁰ The true new High Priest is defined in relation to the old,¹⁹¹ and the new covenant is better than what has gone before, “This makes Jesus the surety of a better covenant”¹⁹², “But as it is, Christ has obtained a ministry which is as much more excellent than the old as the covenant he mediates is better, since it is enacted on better promises.”¹⁹³ This series of comparisons is an integral feature of the letter to the Hebrews.¹⁹⁴ ‘Covenant’ is one among many images which the author uses for his purpose. Covenant is a tool in the author’s argument and is used in various ways: both referring back to the Old Testament and also to the present situation.

How then are we think of the New Testament use of the term ‘covenant’? We must say that if ‘covenant’ were a guiding principle in New Testament theology, then we would expect it to be mentioned much more often, and not predominantly in one letter. We may also admit that the term is neither widely nor

¹⁸⁷ Romans 9.4.

¹⁸⁸ T. ZAHN, *Introduction to the New Testament*, vol. II, Edinburgh, 1909, pp.293-312.

¹⁸⁹ For the text of the Muratorian canon see C. S. C. SOUTER, *The Text and Canon of the New Testament*, London, 1960, pp.191-193.

¹⁹⁰ Hebrews 8.6; 8.13.

¹⁹¹ The first mention of covenant in Hebrews 7.22 continues on from the image of Melchizedek in 6.19-20.

¹⁹² Hebrews 7.22.

¹⁹³ Hebrews 8.6.

¹⁹⁴ See also the comparison of the blood which ratifies the covenant/s in Hebrews 9.

consistently used. Covenant refers both to the new covenant in Christ, and also covenants with the Patriarchs, the covenant of circumcision, or at Sinai. Covenant, as a descriptive term, is neither central nor univocal.

Pauline references to the nature of the covenant will become increasingly important in the post-conciliar Catholic documents about the relationship between Christianity and Judaism. At this moment, I simply wish to observe that there are implications when certain texts are prioritised over others. By this very brief look at covenant in the New Testament, I wish to point out that covenant is neither a great concern nor a great problem. The use of the term ‘covenant’ is found predominantly in Hebrews, and as we have seen from the Old Testament, ‘covenant’ is used in both a specific and generic way, depending on the purpose and intention of the author. While this in no way criticises later theologians or Church documents for one instance of ‘covenant’ in the New Testament as opposed to another, we cannot say that there is any consistent use of the term in the text itself.

Conclusion

I included ‘covenant in Jubilees’ in this section not because it contained a new covenant, but because it identified that there were issues which the author believed needed to be addressed, namely the number of covenants in the Old Testament and the way in which they were related. Although it seems that they should be associated with each other, any form of identification or reconciliation is fraught with difficulties. However, in contrast with its use in the book of Jubilees, in the New Testament ‘covenant’ as a term does not play a significant role. An explanation of this may be the way in which the two works view history. Jubilees looked back to foundational elements, and then centred on covenant as the manner in which Israel was to be made holy. It viewed biblical history as essentially a continual recollection of the eternal ways in which God had dealt with His people; their identity and mission. In this, covenant, and here we mean specifically the Noahic covenant, played an integral part. In the New Testament, however, the fundamental issue was different, and thus the conclusion was far from that proposed by Jubilees. The New Testament writers did not see the *telos* of biblical history brought through fidelity to the eternal ordinances, but rather viewed history in a more chronological sense, beginning with Adam and culminating in Christ.¹⁹⁵ For the New Testament authors, multiple covenants did not pose a problem at all. These authors readily held the covenants with the Patriarchs, Moses and Sinai as distinct, because they used them all as a contrast with the new situation in Christ. The New Testament had no need to reconcile the Old Testament with the Old Testament itself. Ironically, in this, it seems that the New Testament, rather than the book of Jubilees, is in harmony with the Old Testament text.

¹⁹⁵ Romans 5.12-21.

For scholars there are other issues. The first is one of definition and categorisation. If the text is approached from one of the critical schools, in their classic or modern forms, then there will always be a problem with the definition of terms. There is no great agreement concerning the identification of sources, or their dates, the manner in which they were composed, or how they are to relate to each other. If 'covenant' is an idea which developed over time and so is to be examined diachronically, then the text and the 'text behind the text' will never yield satisfactory answers. The second issue arises if the text is simply approached in its final form. The genius of the critical schools was to enquire into the text as a series of documents or traditions which did not arrive fully formed. We are robbed of the richness of the Old Testament, and our ability to search into its different levels of meaning, if we do not ask how or why it assumed that final form. Also, as we have seen, this final form of the Old Testament does not yield one meaning to the term 'covenant'; it changes from book to book, and text to text.

However, the issue of the nature and type of the individual Old Testament covenants is at the heart of our wider question. Sometimes, the covenants were gratuitous actions by God to individuals (and their progeny) such as with David. At other times, they almost intentionally bypassed the individual and would only have their fulfilment in a future age, as with Abraham. There might have been covenantal signs, such as with Abraham and Noah: or there might not, as with David and the new covenant. They may have been cosmic in scope, again with Noah: or regional, with Abraham. Perhaps they were nationalistic, again as with David: or perhaps personal, as in the new covenant. They may have concerned the giving of Law, at Sinai and later in the new covenant: or have had nothing to do with it. We must conclude that there is no stable or univocal covenant attested to in the Old Testament. The book of Jubilees knew this and tried to resolve it.

What then does it mean if 'covenant' is used either as an organising principle for an Old Testament theology, or even more problematically, as a definition of the Israelites or Jews? If the text itself does not give witness to covenant as an identifiable concept, how can it be used in the definition of something else?

In closing the first section of this thesis, I wish to highlight two conclusions. The first is that the Old Testament text does not present one single view of what a covenant is, or with whom they are made. Each of the covenants that we have looked at has been different – some concern individuals, while others concern the people of Israel as a whole; some are to be lived out here and now, others find expression in the future; some demand action by the parties involved, others do not. In looking at the texts, we must conclude that there is no such thing as an Old Testament covenant. There are covenants in the Old Testament, but any attempt to categorise them, describe them, or understand them all together, ultimately fails. The shining exception to this statement is the author of the book of Jubilees, but they manage to do this only through a radical upheaval not simply of covenant, but of the whole of

Old Testament history. The simple question, ‘what is the covenant that God made with the people of Israel in the Old Testament?’ involves a series of definitions and descriptions of covenant to the point where covenant becomes secondary, and what is advanced is a description of the relationship between God and the people He had chosen. At times this may coincide with, and at times depart from, covenantal language.

If this is the first conclusion, then the second does not concern the biblical text, but rather springs from the place of covenant in the works of certain Old Testament theologians. The early Old Testament theologians were limited by their methodology and their goal of writing a history of the people of Israel, or the Israelite religion, but by engaging in the process, they gave life to ‘covenant’ as an idea which was not limited to any one expression of it. By prioritising Sinai, and paralleling it with Ancient Near Eastern covenants, an Old Testament covenantal model was born. Of course, its similarity was only really with Sinai, nothing else. All other covenants had to fit this new model, as it were a Platonic form. This was never going to work. The genius of Eichrodt was both to presuppose this form, and at the same time to liberate it from the minutiae of form criticism, and then use it as the organising principle to describe the Old Testament relationship of Israel to God.

These two conclusions are, of course, incompatible. Eichrodt’s covenantal language is not really based in any specific Old Testament covenantal idea. How could it be, when there is neither one covenant, nor one covenantal idea in the first place? Although Eichrodt swept all before him for a time, that time soon passed.

In turning now to the formation of the Catholic texts from the Second Vatican Council and beyond, we need to see to what extent this view of covenant influenced the Council Fathers and the later commissions.

Section Two

The Church's texts about the Jews

2.1 The Genesis of *Nostra Aetate*

Communication between people requires a medium, and in the case of a written document, no text springs fully formed from the mind of the author/s. To try to understand a document better, it can be helpful to be able both to read and make sense of the words on the page, and also to have access to the mind of the authors.¹⁹⁶ This cannot change the meaning of the final text, but it can illuminate that meaning,¹⁹⁷ and if the text is going to be expanded and developed, it can shed light on whether the direction of travel is in keeping with the original document.

If we use the principle from the interpretation of Ecclesiastical Laws in the 1983 Code of Canon Law as a guide for reading Conciliar texts, then we can both keep the absolute priority of the final form of the Constitutions, Declarations, and Decrees of Vatican II, while understanding them in a richer manner through their development, and through the intentions of those who drafted them. This should not allow us to ‘read into’ the final text something which, although it may have been in the mind of the author/s, was not included in the final text. However, it should help us to avoid using the text of a Conciliar document as a spring board for interpretations which, though possible from the words, are clearly at odds with the intentions of those who wrote them.¹⁹⁸

There are many different ways to approaching the conciliar texts. Some stress the connection of the Second Vatican Council with the history and tradition of the Church while others see the Council as a turning point in the history of the Church. These difference approaches where broadly outlined in Pope Benedict XVI’s *Christmas Address to the Roman Curia*, of 22 December 2005. It is worth saying that Pope Benedict strongly sided with the ‘hermeneutic of continuity’ position. While this places the conciliar documents within the framework of the history of the Church, there is also a further question of how an individual document should be understood within the final corpus of conciliar texts. If I were to parallel this to Old Testament interpretation, then the issue of interpretation find itself between a ‘form/historical critical’ approach (how the document came about, prioritising the intention of the authors and there *Sitz im Leben*), a ‘redaction criticism’ approach (concentrating on what the final form of the text as a whole wishes to say) and a ‘canonical criticism’ reading (how the individual book/document should be read in the light of the Old Testament in itse entirety). The polarisation of the

¹⁹⁶ For a wider exposition of both the hermeneutics of authors and texts, see O. RUSH, *Still Interpreting Vatican II: Some Hermeneutical Principles*, New York, 2004, 1-51.

¹⁹⁷ This is in accord with the principle of the interpretation of Canon Law. Canon 17 states “Ecclesiastical laws must be understood in accord with the proper meaning of the words considered in their text and context. If the meaning remains doubtful and obscure, recourse must be made to parallel places, if there are such, to the purpose and circumstances of the law, and to the mind of the legislator.” See J. P. BEAL, J. A. CORIDEN & T. J. GREEN (EDS), *New Commentary on the Code of Canon Law*, New York, 2000, pp.73-75.

¹⁹⁸ I am following the method of interpretation proposed by G. D’COSTA, ‘Tradition and reception: interpreting Vatican II’s ‘Declaration on the Church’s Relation to Non-Christian Religions’, in *New Blackfriars*, Vol. 92, July 2011, pp.495-496.

interpretation of the Council into the hermeneutics of continuity or rupture can be bolstered by prioritising one of these methods of interpreting the texts over another. My own way of approaching *Nostra Aetate*, is to attempt to hold all three together. The intentions of the authors, and the political background shaped the text, are important for *Nostra Aetate* did not spring ready formed from the deliberations on the council Floor. Also, the final document *Nostra Aetate* must be examined as a whole, because the question of the Jews ultimately found its place in relation to the world religions, and the extent to which that is upheld or downgraded is interesting. And the position Judaism within *Nostra Aetate* with respect to the other conciliar documents should be considered, to see where the other document can shed light on areas where *Nostra Aetate* is not clear. However, I would say, these other conciliar documents should be given neither priority, nor a norming role over *Nostra Aetate* itself. The Fathers wrote *Nostra Aetate* to address the question of Judaism and the world religions. They did not write it as an explicative footnote to another document.

In the second part of this thesis, I wish to examine how the question of the relationship between Judaism and Catholicism came to be debated on the floor of the Council. ‘The Genesis of *Nostra Aetate*’ will look at the background to the text, until the opening of the first session of the Council in October 1962. This will shed some light on the forces which were at play during the formation of this stage of the document. Also, I will focus on the figure of Cardinal Bea, the first president of the Secretariat for Promoting Christian Unity. This is not simply because he was the most important figure at every stage in the development of *Nostra Aetate*, but also, as I will explain below, because of his academic background in Old Testament studies. The other section of the second part of this thesis will look at *Nostra Aetate* itself, and related conciliar documents. Finally, I will examine the post-conciliar official statements which specifically declare themselves to be continuations of the work of *Nostra Aetate*.

Turning to the genesis of *Nostra Aetate*, the historical background to this period in Europe is the attempted destruction of the Jewish people during the Second World War. All governments, organisations and religions had to examine themselves, their motives and actions, in the light of this horror, the Shoah. The Shoah’s roots, and antecedents would call into question the relationship of Judaism with every foundational institution of the Western World. In this, the Catholic Church was no exception, and the process is ongoing. I hope, to some extent, that this thesis will contribute to this endeavour. The Church’s response, however, did not begin with the documents of Vatican II. Although it may seem a slight thing, when in 1955, Pope Pius XII ordered that Catholic congregations kneel after the prayer for the Jews on Good Friday, this showed a growing awareness and sensitivity in the Catholic Church to how the liturgy could present the Jewish people in a negative way. The Good Friday liturgy interceded for different categories of people, with a genuflection after each petition. The petition concerning the Jews, however, was different, as there was no genuflection. This could be interpreted to mean that the Jews were beyond intercession: beyond hope. By the introduction of kneeling, the Church

showed that the Jews were in one sense the same as all of the others for whom the Church prayed, and thus were not beyond the possibility of redemption. Following the promulgation of this new ritual action of kneeling, such an inference of the exclusion of Judaism from the hope of redemption was no longer possible, as a liturgical interpretation.¹⁹⁹ Pope John XXIII continued his predecessor's reforms, and in 1959, changed the text of the Good Friday prayer for the Jews.²⁰⁰ Previously this prayer was introduced by the formula *Oremus et pro perfidis Iudaeis*. Pope John excised the word '*perfidis*'. Although '*perfidis*' has the meaning 'unbelieving', the modern reading of 'perfidious' could be transferred to the description of the Jewish people. Pius XII had restored the genuflection after this prayer, and John XXIII amended the wording.²⁰¹ Though these may seem small examples, they do, nonetheless, indicate an opening to change in the relationship of Catholicism to Judaism.

De Questione Hebraica, as the issue was first called by a sub-committee of the Secretariat for Promoting Christian Unity, did not find its way onto the Council agenda in the usual manner. Rather it came from Pope John XXIII himself, even before the Bishops of the world *et al.* had made their initial responses to the up-coming Council. When they did make their responses, there seems to have been little or no call for the subject of the Jews to be discussed. If 'Judaism' as an object of theological enquiry was not mentioned, however, anti-Semitism was. In April 1960, six weeks before the promulgation document setting up the working of the council, the Biblical Institute had petitioned the Pope that the subject of anti-Semitism be raised.²⁰² They were not proposing a theological treatise on Judaism, but rather that anti-Semitic language be avoided.²⁰³ All they wanted was that any documents coming from the Council be formulated in terms and language which could not be accused of anti-Semitism. Thomas Stransky, who worked at the Secretariat for Promoting Christian Unity, recalls that when he looked again at the considerable ante-preparatory documents of the Council,

To my surprise I discovered no mention of a theological clarification of Catholic-Jewish relations, no pastoral concern of anti-Semitism within the Church – apart from a few exceptions, such as an Italian prelate who complained about “the insidious coalition of Communists, Jews and Freemasons”; and nineteen Jesuits on the faculty of Rome’s Pontifical Biblical Institute who submitted a carefully worded contribution on the avoidance of anti-Semitism... Many wanted a discussion on Christian unity and Catholic-Orthodox-Anglican-Protestant relations, and even relations with neighbours who are “unbelievers” or atheists. Nothing on Catholic-Jewish relations. Many bishops pressed for confrontation with a long list of corrosive-isms: secularism and

¹⁹⁹ See also, J. M. OESTERREICHER, 'The Pope and the Jews', in *The Furrow*, 12/3, 1961, 143-150.

²⁰⁰ See J. M. OESTERREICHER, 'Declaration on the Relationship of the Church to Non-Christian Religions', p.5 footnote 4.

²⁰¹ There is an account of a meeting between Pius XII and Israel/Eugenio Zolli. Zolli had been the head Rabbi in Rome who converted to Catholicism. His daughter, Miriam, in the article 'My Father never stopped being a Jew' in "Inside the Vatican", reported that Zolli had raise the question of 'perfidious' with Pius XII. See also W. P. SILLANPOA & R. G. WEISBORD, 'The Zolli conversion: Background and motives', in *Judaism*, 1989, 38(2), p.214.

²⁰² J. M. OESTERREICHER, *op. cit.*, pp.8-9.

²⁰³ *Ibid.*, p.9, '[t]he petition then stressed particularly that all believing Christians should be warned to follow the example of ecclesiastical authority and to avoid most carefully those ways of speaking that could cause offence.'

indifferentism, neo-Gnosticism and spiritualism, illuminism and relativism, above all, communism...But anti-Semitism within the Church and in society? Not on anyone's list. I asked myself: Was such indifference an unintentional collective oversight? Was the genocide experience of the Jews in *Christian Europe*, the "final solution" for the world's Jewish people, already forgotten or so marginalized? Were the heavily publicized Nuremberg War Trials in 1947 a quickly extinguished blip? Did no bishop read Anne Frank's Diary or see the film?"²⁰⁴

Stransky's shock, of course, comes after his re-reading of the documents. While, with hindsight, he could not believe that the issue of the relationship between Catholicism and Judaism had not been raised, it simply shows that what was such an important issue for a later generation, simply did not figure in the minds of those who had been consulted.

Much has been made, and rightly so, of the meetings between Jules Isaac and both Pope Pius XII, and more importantly, Pope John XXIII. Before World War II, Jules Isaac (1877-1963) had been a noted historian and educationalist in France. In 1940, however, he lost his teaching position under the anti-Jewish labour laws. He and his family went into hiding, and to try to understand any connections between the political situation and religion, Isaac began to read the Gospels to see if this was the source of this virulent anti-Judaism. His wife, daughter and son-in-law were murdered at Auschwitz, and, both during and after the war, Isaac devoted the rest of his life to Judaeo-Christian relations. His two most influential works, *Jésus et Israël*, 1947 (published in English as *Jesus and Israel*, 1971), and *L'Enseignement de Mépris*, 1962 (*The Teaching of Contempt*, 1964), both emphasise the difference between the foundational documents of Christianity and the later attitude towards the Jews. This was at the heart of his discussions with the two Popes. Isaac presented his arguments from the Gospels, and called for practical changes in the life of the Church. The liturgical changes concerning Judaism, mentioned above, which Pius XII and John XXIII brought about, and their respective meetings with Isaac are connected.²⁰⁵ Isaac himself was convinced of his influence on Pius XII in 1955.²⁰⁶ Isaac's most celebrated meeting, however, was with Pope John XXIII on 13th June, 1960. Before turning to the meeting itself, we should note that some eight days before the meeting, on 5th June, Pope John issued the motu proprio *Superno Dei Nutu*, setting up the departments of the Second Vatican Council. In the section dealing with the Secretariat for Promoting Christian Unity, there is no mention of the Jews, but

²⁰⁴ T. STRANSKY, 'The Genesis of *Nostra Aetate*: An Insider's Story', in N. LAMDAN, & A. MELLONI (EDS), *Nostra Aetate: Origins, Promulgation, Impact on Jewish Catholic Relations*, Berlin, 2007, pp.34-35.

²⁰⁵ N. C. TOBIAS, (2008). *The influence of Jules Isaac on Roman Catholic teaching about Jews and Judaism* (Order No. MR43165). Available from ProQuest Dissertations & Theses Global. (304413313). The influence of Jules Isaac is well documented. See also J. M. OESTERREICHER, *op. cit.*, pp.2-4. Also M. Morselli, 'Jules Isaac and the Origins of *Nostra Aetate*', in N. LAMDAN, N. & A. MELLONI (EDS), *op. cit.*, pp.21-28.

²⁰⁶ "Je ne prétends pas que ma requête fut la cause déterminante de la décision prise en 1955, le rétablissement de la génuflexion. Toutefois, le pape avait dû en garder le souvenir, car peu après mon audience, dans une allocution, il a parlé d'Israël en termes inhabituels." Quoted from J. TOULAT, *Juifs, mes frères*. Paris, Fayard, 1968, p.141 in N. C. TOBIAS, *The influence of Jules Isaac*, p.59.

only those ‘*qui christiano nomine decorantur, sed ab hac Apostolica Sede sunt seiuncti*’.²⁰⁷ We may then assume that Pope John’s initial intention for the Secretariat for Promoting Christian Unity did not include the Jews. This is the interpretation of those close to the Pope. Stransky states that

In fact, according to Monsignor Loris Capovilla, the Pope’s secretarial confidant, until a week after *Superno Dei Nutu* ‘it never entered Pope John XXIII’s mind that the Council ought to be occupied also with the Jewish question (*questione ebraica*) and with anti-semitism’.²⁰⁸

Both Capovilla and Stransky place the change in John XXIII’s mind ‘a week after’, by which they mean the meeting between John and Isaac.²⁰⁹

Pope John and Isaac’s meeting was warm and friendly; there was humour and informality between them.²¹⁰ Isaac must have been confident of a warm welcome from the Pope who had changed the Good Friday prayer’s wording. Now Isaac urged the Pope to remove the ‘teaching of contempt’ from Church documents, and although Pope John promised nothing specific, a seed was planted in his mind which would result in Pope John asking Cardinal Bea to consider *De Questione Hebraica*. Some two days after the meeting between Pope John and Isaac, the latter met with Cardinal Bea, and formed a good impression of him.²¹¹

Although there had been no call from the Bishops in the ante-preparatory phase of the Council, other groups did address the subject of the relationship between Catholicism and Judaism. The Institute of Judaeo-Christian Studies of the USA, at Seton Hall, proposed a more systematic treatment of Judaism at the Council.²¹² They wrote to Cardinal Bea on 24th June 1960, suggesting that in considering the nature of the Church, the Council look to her Old Testament roots, thus strengthening the identification with ‘Israel’ as a current historic reality. They proposed an extension of votive Masses celebrated in Jerusalem, adding the feasts of Ss Abraham, David and Jeremias, to the universal calendar, and that parts of the Breviary and other Church prayers which could lead to a negative view of Judaism be

²⁰⁷ ‘Those who bear the name Christian, but who are separated from this Apostolic See’, JOHN XXIII, *Superno Dei nutu*, §9.

²⁰⁸ T. STRANSKY, ‘The Foundation of the Secretariat for Promoting Christian Unity’, in A. STACPOOLE, (ED.), *Vatican II: by those who were there*, London, 1986, p.72, quoting Capovilla’s memorandum of 22 March 1966, footnote 35 in the Stransky text.

²⁰⁹ *Ibid.*, p.72, ‘The Jewish theme reached the Pope’s consciousness at a private audience on 13 June 1960.’

²¹⁰ J. TOULAT, *op. cit.*, p.144 in N. C. TOBIAS, *op. cit.*, pp.76-77.

²¹¹ ‘J’ai passé près d’une heure avec le cardinal Bea, réputé comme ‘la sommité en Ecriture sainte.’ Ce jésuite allemand, qui parle fort bien le français, au visage intelligent et ouvert, s’est montré parfaitement au courant des questions abordées. Il est en relations avec les catholiques allemands qui font le même travail que nos groupes d’Amitié judéo-chrétienne. J’ai trouvé en lui un puissant réconfort.’ J. TOULAT, *op. cit.*, p.142, in N. C. TOBIAS, *op. cit.*, pp.77-78.

²¹² J. M. OESTERREICHER, *The New Encounter between Christians and Jews*, New York, 1986, pp.116-119.

expunged.²¹³ In late August 1960, another group of scholars met at Apeldoorn, Holland.²¹⁴ Although this group did not feed into any specific conciliar preparatory group for the Council, the document it produced was sent to the Secretariat. This Appeldoorn group included John Oesterreicher, the founder of the Institute of Judaeo-Christian Studies at Seton Hall, who later worked within the Secretariat for Promoting Christian Unity.²¹⁵

It was Cardinal Bea himself who was to approach Pope John on the subject of Judaism, “On September 14 1960 Bea requested an audience with the Pope, writing ‘I would particularly like to bring up the question of responsibility concerning relations between Jews and Catholics, on which I am frequently consulted.’”²¹⁶ Four days later, the Pope ‘charged the Secretariat for Christian Unity with the task of preparing a Declaration dealing with the Jewish people.’²¹⁷ Cardinal Bea’s use of ‘declaration’ here should not be confused with later conciliar documents. Throughout this time, Pope John continued to show himself well-disposed towards Jewish groups and their concerns.²¹⁸ In the middle of November 1960, Cardinal Bea informed the Secretariat for Promoting Christian Unity that they were to look at *De Questione Hebraica*, though *sub secreto*.²¹⁹

²¹³ ID., ‘Declaration’, pp.9-12.

²¹⁴ *Ibid.*, p.15; J. M. OESTERREICHER, *The New Encounter*, pp.119-123. There is a brief mention of Apeldoorn in the diaries of J. WILLEBRANDS, “*You will be called the Repairer of the Breach*”: *The Diary of J. G. M. Willebrands 1958-1961*, T. SALEMINK (ED.), Leuven, 2009, p.174, from the entry dated 6th July 1960. For an account of the personalities involved see J. CONNELLY, *From Enemy to Brother*, Harvard, 2012, pp.4-7, also, concerning Apeldoorn, pp.241f.

²¹⁵ For Oesterreicher’s background and influence see J. CONNELLY, *op. cit.*, pp.94-146 & 188-189. Oesterreicher was not at first trusted in his role as secretary, because of his background and his work to convert the Jews. *Ibid.*, p.196.

²¹⁶ T. STRANSKY, ‘The Genesis of *Nostra Aetate*’, p.32.

²¹⁷ A. BEA, *The Church and the Jewish People*, New York, 1966, p.22. Also J. WILLEBRANDS, *op. cit.*, p.206.

²¹⁸ On 18th October 1960, reported in *l’Osservatore Romano* the following day, John XXIII warmly welcomed a delegation from the United Jewish Appeal, Jewish Study Mission. This encounter is generally presented as the Pope greeting the Jewish delegates with the words “Son io, Giuseppe, il fratello vostro”, and then interpreted as John placing himself, and therefore the Papacy, in a fraternal relationship not only to those who were present but, in a wider sense, with Judaism itself. We can see such an interpretation in J. M. OESTERREICHER, ‘Declaration’, p.6, “He [John] greeted his visitors with the words, “*Son io, Giuseppe, il fratello vostro!*”...” Also G. M.-M. COTTIER, ‘L’historique de la Déclaration’, in A.-M. HENRY, *Les Relations de l’Église avec les Religions non Chrétiennes: Déclaration « Nostra aetate »*, Paris, 1966, p.40. However, the *Osservatore Romano* reports that this phrase was used in the context of an exposition of the biblical story of Genesis 45. John then expounds the text “To be honest, there is a large gap between those who accept only the Old Testament and those who add the New Testament to it as well, as [their] supreme law and guidance. This distinction does not, however, impede the brotherhood that derives from our common origin, since we are all children of the same heavenly Father, and so this should always shine forth before all people, and should be put into practice through charity.” This is not a Pope leaping from his throne and embracing Judaism in a re-enactment of the biblical text, as is sometimes portrayed. John acknowledges the deep-seated link between Judaism and Christianity, but he does not do so in easy, familiar terms. For *l’Osservatore Romano* account see <http://www.bibbiaparola.org/relazioniebraico-cristiane.php?a=3a&id=818>, for the English translation see <http://www.ccjr.us/dialogika-resources/documents-and-statements/roman-catholic/second-vatican-council/naprecursors/1259-j231960oct19>. Note also that Pope John used the same language in his first encyclical *Ad Petri Cathedram*, June 29, 1959, referring to non-Catholic Christians.

²¹⁹ T. STRANSKY, ‘The Foundation of the Secretariat for Promoting Christian Unity’, p.73. G. M. Riegner, the secretary the World Jewish Congress relates a meeting between Cardinal Bea and Nahum Goldman ‘the undisputed leader of the diaspora’ in autumn 1960. Bea asked Goldman whether the Jewish organisations would

Here I wish to pause and evaluate the situation before the Secretariat for Promoting Christian Unity produced the document *Decretum de Iudaeis* in November 1961, and before the Council opened in October 1962. In looking at the genesis of the subject I want to stop before any actual work was carried out by the Secretariat. Although the subject of Judaism was not included in any of the ante-preparatory documentation, and was not mentioned in the terms of reference for the Secretariat for Promoting Christian Unity, I would argue that once work began on the *Decretum de Iudaeis*, it necessarily became part of the life and history of the Council.²²⁰ This will be explored below, as the texts concerning the Jews began to be discussed by the Council Fathers, and the wider world began to take an a specific interest in what the Council was doing. However, at this point, before the meeting of 14th/15th November 1960 when John XXIII entrusted Cardinal Bea and the Secretariat with ‘the task of preparing a Declaration’, was the last moment when discussion of the relationship between Catholicism and Judaism in a formal sense, could have been avoided. This is not at all to say that it should have been avoided, but rather that once *De Questione Hebraica* was formally considered by the Secretariat, its inclusion in, or exclusion from, the final conciliar documents would in itself be a comment on Jewish/Catholic relations. After Pope John’s request, Jewish/Catholic relations begins to exist in a new and dynamic way.

Before this defining moment, the main concerns which had been raised can be put into two categories; first, the avoidance of anti-Semitism; second, a theological reflection on Judaism in relation to Christianity. We can see the first, the avoidance of anti-Semitism, in the request of the Biblical Institute that the texts of the Council not be open to an anti-Semitic interpretation. We should note, in passing, that these are not the same thing. The avoidance of anti-Semitism is a positive rejection of anti-Semitism itself. The desire that documents cannot be open to an anti-Semitic interpretation involves no judgement on anti-Semitism as such. It seems that the perception was the overriding concern, rather than the positive repudiation of anti-Semitism. By contrast, the call for the positive elimination of anti-Semitism can be seen in the work of Jules Isaac, and in the liturgical changes of Pius XII and John XXIII. These two elements together, an avoidance of anti-Semitic interpretations of both conciliar texts and changes in liturgical practice, would, it could be argued, constitute a valid response to the first category.²²¹ There would be no need for Judaism to be discussed as a discrete subject at the Council; an exhortation against anti-Semitism in another document would have sufficed. However, the second category, of

be willing to draw up a document for the Council. This was done though the process took a considerable time. It was finally sent to Cardinal Bea on February 1962. The text is found in G. M. REIGNER, *Never Despair*, Chicago, 2006, p.244.

²²⁰ Whether or not the issue would have had to be discussed is an interesting point. There were movements among certain theologians, notably Karl Thieme, but this desire was not widespread. See J. CONNELLY, *op. cit.*, pp.211ff.

²²¹ Whether or not this response would have been enough in the long term is another question. The connection between anti-Judaic theology and practice, and anti-Semitic practice and language would have to be faced eventually. I raise the possibility that it need not have been discussed at this point in the Church’s history.

theologically considering the place of Judaism with regards to Christianity, and thus in God's plan of salvation, is a much greater endeavour. This is of a different order than the first category. While the first involves the question of how the Church's teaching and practice is perceived, the second demands that the teaching and practice itself be examined; and while the first, the avoidance of anti-Semitism, would not necessarily involve separate treatment at the Council, the second, the question of Judaism in relation to Christianity, most definitely would.

Before the meeting of Pope John and Cardinal Bea in November 1960, I believe that a specific document concerning Judaism, or even a substantial section about Judaism, would not necessarily have been part of the final documents of Vatican II. There was no universal clamour within Catholicism to consider the question of Judaism, and, even taking Isaac's pleas on board, the liturgical changes which had begun under Pius XII and continued under John XXIII could have continued, with new catechisms, textbooks and teaching documents issued to counter anti-Semitic language and imagery. However, once John XXIII had asked Bea and the Secretariat to consider *De Questione Hebraica*, it would no longer be enough to put in place procedures and practices to avoid anti-Semitism. Indeed, this very discussion took place in the Secretariat in November 1961. A vote was taken as to whether a theological work concerning the Jews should be presented or if simply a condemnation of anti-Semitism together with a section on Judaism in a wider document on religious tolerance would suffice.²²² The result was not unanimous, 'The question was answered affirmatively by some three-fifths of the members', but it was decisive. The issue of the relationship between Judaism and Christianity had, however, been raised, and now had to be addressed.

By looking at the issue until this point, I wish to avoid the temptation of a certain reading of history which says that *De Questione Hebraica* was an issue whose time had come and that it had to be addressed by the Catholic Church in the second half of the twentieth century. I do not think this is the case. Without the specific intervention of John XXIII, there was no call for Judaism to be discussed at the Council. While we do not know if the roots of this intervention came from the mind of Pope John himself, the influence of powerful individuals such as Jules Isaac, or, indeed, of the supernatural workings of the Holy Ghost, we can say that it was not the result of a call from the universal Church. I emphasise this to stress that there was no theological impetus at the time behind the question of the relationship between Judaism and Christianity. I would say that this is important because it points to the novelty of the subject itself, and that as such, there was bound to be confusion not only of the scope of the issues involved, but also how, where and why it was being discussed. It is, perhaps, not that these secondary questions were confusing, but that Judaism as a subject being addressed at a Church Council

²²² J. M. OESTERREICHER, *op. cit.*, p.37.

at all was the confusing novelty. When, then, a fully constituted Ecumenical Council started talking about Judaism, the bishops had no ready conceptual framework in which to place it.

However, once John XXIII intervened, the task fell to the Secretariat for Promoting Christian Unity to produce a text concerning the Jews. This was first worked on by Fr Gregory Baum, who proposed a short work to be discussed in a meeting of the Secretariat in Ariccia from 6th-9th February 1961. It comprised three sections. The second stated that the whole Jewish race could not be accused of rejecting Christ, and so could not be condemned *en masse*. The third section rejected anti-Semitism. However, the first section is of interest in the present context, as the language of ‘covenant’ is used.

In the treatment of the origin and nature of Christ’s Church, her close connection with the old Israel should be made unmistakably clear. Thus it should be shown how the New Covenant confirmed, renewed and transcended the Old, and how the New Testament fulfilled and superseded the Old, but nevertheless did not render it invalid.²²³

Baum argues that the Old Covenant is ‘valid’ in the same sense that the Old Testament remains valid. This goes far beyond any statement of the Apeldoorn group, or of Seton Hall. This initial paper of Baum’s was never intended to be definitive, however, and led to the “Sub-Commission for Jewish Questions” being established; consisting of Baum, Abbot Leo Rudloff and Oesterreicher.²²⁴ The Baum paper was worked on at various meetings of the sub-commission: April 1961 at Ariccia, and August 1961 at Bühl. Finally, a preliminary study was presented at this final (fourth) meeting at Bühl. Oesterreicher presents a lengthy explanation of the study,²²⁵ however I will limit myself to elements which concern covenant.

The document was divided into three parts. In the first, ‘Dogmatic Principles’, Oesterreicher states

Despite all their differences, the two covenants do not contradict each other. They are, rather, two stages in God’s dealings with mankind. Doubtless the New in many respects transcends the Old. But it would show little honour to Christ to treat slightly the stock from which he came and the order of grace into which he was born.²²⁶

He also quotes a Lenten pastoral letter of Cardinal Liénart of Lille, dated 21st February 1960,

It is simply untrue... that Israel, the chosen people of the Old Covenant, became an accursed people under the New. In reality, the religious destiny of Israel is a mystery of grace, which Christians must ponder with respect and affection.²²⁷

²²³ *Ibid.*, p.18.

²²⁴ *Loc. cit.* At the third meeting, 6th-21st April 1961, this group also included George Tavard; G. TAVARD, *op. cit.*, p.22.

²²⁵ J. M. OESTERREICHER, ‘Declaration’, pp.22-41.

²²⁶ *Ibid.*, p.23.

²²⁷ *Ibid.*, p.26.

The other two parts of the document follow the usual concerns of a rejection of anti-Semitism, and an extension of the Jerusalem proper Masses to the universal calendar, and practical changes in the life of the Church and her liturgy. In the discussion which followed in August 1961 in the Secretariat, there was an interesting exchange concerning the status of the Old Covenant and the Jews.²²⁸ It occurred in the context of a discussion of whether the Church as the New Israel necessarily led to a complete rejection of the Old Israel, and thus the Jews. What was proposed by ‘a leading member’ was a distinction of Israel under the Old Covenant and Israel as a people. The first ceased with the coming of the New Covenant in Christ, while the second continued. Oesterreicher records the conclusions to this line of argument,

This view was, however, seriously doubted by another member. It could hardly be said that the Jews were in the same spiritual position as all other peoples. The spiritual promises given to them had made them a special people in God’s eyes, not, certainly, because of their own merit, but solely through God’s predilection and his faithfulness.²²⁹

Although this discussion was not reflected in the final text of *Decretum de Iudaeis*, it points to the crux of the problem, namely the salvific status of the Jews in relation to the Covenant. The ‘leading member’ comes to a logical conclusion, while avoiding the distasteful language of replacement/supersession, while the other voices refuse to place the Jews in the same category as the other nations. We can see at this early stage the tensions which would eventually come about, after the publishing of *Nostra Aetate*.

Following certain modifications, this discussion document became the *Decretum de Iudaeis*. ‘Covenant’ is mentioned only once, at the end of the first paragraph: ‘the Church, a new creation in Christ (see Eph. 2:15), can never forget that she is the spiritual continuation of the people with whom, in His mercy and gracious condescension, God made the Old Covenant.’ Before the first session, then, we have a document which tries to hold together a theological statement concerning Judaism and her relationship with Christianity. This is then placed side by side with the practical call to end all persecution of the Jews, ‘As the Church, like a mother, condemns most severely injustices committed against innocent people everywhere, so she raises her voice in loud protest against all wrongs done to Jews, whether in the past or in our time. Whoever despises or persecutes this people does injury to the Catholic Church.’ In this document, we can see certain elements which will be found in the final form of *Nostra Aetate*; the intimate relationship between Judaism and the Church, a rejection of a blanket condemnation of the Jews as ‘accursed’, and some eschatological element of unification. Although many of these issues would be hotly debated on the Council floor, there is a clear line of continuation between this, the first substantive document produced by the Secretariat for Promoting Christian Unity, and the final conciliar text. While the *Decretum de Iudaeis* certainly uses the term ‘covenant’, it is not

²²⁸ *Ibid.*, p.34.

²²⁹ *Loc. cit.*

a central idea or concept. The election of the Church goes back to the Prophets and Patriarchs, and her salvation is prefigured in the deliverance through the Red Sea. The term covenant is not seen in any way as a continuation between Judaism and the Church. The covenant with the Jews is ‘Old’, and is not paralleled with the ‘New’. Israel is identified as “the people with whom, in His mercy and gracious condescension, God made the Old Covenant”. Covenant is used as an identifier of Israel, rather than a link between her and the Church.

Turning from the development of *Decretum de Iudaeis*, I wish to consider Cardinal Augustin Bea. While it is not possible, or even desirable, to provide a background for each of the Council Fathers, I wish to focus on him because Bea was one of the most influential figures in the drafting of *Nostra Aetate*. In the words of Johannes Willebrands, who served as Secretary to the Secretariat, “Cardinal Bea was, in fact, not only the mind behind but, more so, the heart within and even the hand upon the text of the Conciliar Declaration...”²³⁰ Certain caveats must be borne in mind: first, Cardinal Bea did not write *Nostra Aetate*; second, he did not work alone on the Secretariat; and third, he did not have the final say on the text.²³¹ However, if any single individual could be said to reflect the ‘mind of the legislator’, in the sense that I used above, with regard to *Nostra Aetate*, it would be Cardinal Bea. As we will see below, his background in the ecumenical movement, and his considerable knowledge of the Old Testament, gave him a pivotal role at a central moment in the history of the Church. Not only did Pope John entrust the work of the question of the Jews to the Secretariat, and thus to Bea, but the Cardinal himself possessed an expertise and experience which would necessarily shape the discussion and resulting documents. As the Vatican Council developed, it looked to the Bible as its primary source book, and in a similar way, when considering Judaism, Cardinal Bea would use his intimate knowledge of the Old Testament to describe the position of the Jews in the economy of salvation. Rather like Jules Isaac, who examined the Gospels and challenged commonly held Catholic attitudes, so Bea’s starting point was the witness of the Scriptures. He states, “...it [the Church] has sought a solution of it [the question of Judaism] at a profoundly biblical level.”²³² Cardinal Bea was the most eminent Old Testament scholar in the Secretariat, and so was perfectly placed for the work entrusted to him.²³³

A thumbnail sketch of Cardinal Bea’s academic career shows his importance in Catholic, Old Testament scholarship. Born in 1881, and so in his 80’s during Vatican II, Cardinal Bea joined the Jesuits in 1902, and was ordained priest in 1912. After ordination, he was sent to the University of Berlin, and began

²³⁰ Cardinal Bea memorial lecture, 1985, quoted from J. WILLEBRANDS, *Church and Jewish People: New Considerations*, New Jersey, 1992, p.39.

²³¹ Cardinal Bea was, however, called on to explain the text, even if he did not agree with it, such as the deletion of the term ‘deicide’ in the final proposed text in 1965. See his speech of 14th October 1965, A. BEA, *op. cit.*, p.171.

²³² *Ibid.*, p.7.

²³³ Jules Isaac described Cardinal Bea as “réputé comme ‘la sommité en Ecriture sainte’”, “considered ‘the most eminent authority on Holy Scripture’”, J. TOULAT, *op. cit.*, p.142.

teaching Old Testament in 1917 at Valkenburg in Holland.²³⁴ In 1924 he taught in the Jesuit Gregorian University in Rome, and in 1930 was appointed Rector of the Pontifical Biblical Institute. Cardinal Bea was instrumental in the drafting of Pius XII's 1943 encyclical *Divino afflante Spiritu*, which allowed Catholic theologians to use more 'critical' methods, thus opening Old Testament Catholic studies to the techniques of Protestant scholarship. He remained Papal confessor until Pius XII's death. He was elevated to the Cardinalate in 1959, and one year later was made President of the Secretariat for Promoting Christian Unity. Cardinal Bea's theological output covered archaeology, Old Testament theology, Mariology (especially the Marian Dogma of the Assumption), and questions of Christian Unity, as well as the relationship between Christianity and Judaism.

In Cardinal Bea, then, we find a rounded ecclesiastical figure, at home in the Curia as well as academic settings. His association with the three Popes, Pius XII, John XXIII and Paul VI shows him capable of moving in the world of Church politics, and of doing so with the intellectual background of a Biblical scholar. With the advent of Vatican II, which eventually tried to be as biblically based as possible, such a figure as Bea found his milieu. It was not, however, simply his scholarship which suited Cardinal Bea so well for the task awaiting him. Bea's nationality and background influenced his thinking and experience. In an interview, Monsignor Loris Capovilla, who had been Pope John XXIII's private secretary since 1953, said that Cardinal Bea had been chosen to lead the Secretariat for Promoting Christian Unity, "Because he was a German".²³⁵ This German-ness would influence both early ecumenism and the Church's later concern with Judaism.²³⁶ The political and geographical nature of what would become the German state, meant that Protestants and Catholics lived in close proximity to each other and in the aftermath of the Second World War the two groups sought each other out as they examined their roles in the horror which had taken place. Thus, Cardinal Bea was indeed suited for his role in the Secretariat, whose focus, according to *Superno Dei nutu*, was not Judaism, but 'those who bear the name of Christ', a definition which was reiterated and reinforced by Pope Paul VI when he became Pope.²³⁷ The Secretariat and Cardinal Bea were a perfect fit for the ecumenical work which had been entrusted to them. Although the preparation of a document concerning the Jews, asked for by Pope John XXIII, was not intrinsic to the Secretariat's purpose, Cardinal Bea was also ideally suited when the Commission expanded into this area.

²³⁴ J-M. VEREB, "Because he was a German!" *Cardinal Bea and the Origins of the Roman Catholic Engagement in the Ecumenical Movement*, Cambridge, 2006, p.67.

²³⁵ *Ibid.*, pp. xxi-xxii.

²³⁶ H. DE LUBAC, *Vatican Council Notebooks*, vol. I, San Francisco, 2015, p.415, November 30th, 1962, "The persecutions of Hitler brought Catholics and Protestants together in several countries..." also H. DE LUBAC, *Vatican Council Notebooks*, vol. II, San Francisco, 2015, p.34, November 19th, 1963, "Conversation about Card. Bea: what led him to take an interest in ecumenism, earlier than one might think (since around 1954, if I remember well)."

²³⁷ A. BEA, 'Introduction' in PAUL VI, *The Mind of Paul VI on the Church and the World*, Milwaukee, 1964, p.x.

I wish briefly to consider the extent to which the prevailing rise of the use of the idea of ‘covenant’ as an organising principle of Old Testament studies outlined above, influenced Cardinal Bea. This is not easily done, as Bea does not address the subject of covenant, either in his works on the Old Testament, or even in his work on Judaism. Cardinal Bea, however, was immersed in the world of ‘academic’ Old Testament studies, and was aware of Eichrodt’s work. The question posed is to what extent Bea accepted Eichrodt’s definition of ‘covenant’. In 1935, Cardinal Bea asked Pope Pius XI’s permission to attend the Old Testament Congress in Göttingen. This would be the first time that Catholic scholarship would officially be represented in this Protestant academic setting.²³⁸ The response of Pope Pius was entirely supportive.²³⁹ Bea delivered a paper on the archaeological works at Telēlāt Ghassūl, with which the Pontifical Biblical Institute had been involved, and chaired the final session of the Congress. Eichrodt did not attend this conference, so there was no meeting between the two. However, Eichrodt’s influence was not entirely absent. Eichrodt was mentioned in a paper given by Johan von Lindblom about the nature of Old Testament religion. In it he states “Walther Eichrodt’s ‘Theology of the Old Testament’ must also be seen as one of the ripe fruits of the new development in our science.”²⁴⁰ In subsequent years, until the beginning of the Council, Cardinal Bea praised Eichrodt’s theological contribution in a number of articles.²⁴¹ This does not mean that Bea was a follower of Eichrodt’s overall theology, but rather that he was aware of it, and appreciated it enough to refer to it in his own work. Cardinal Bea did not use ‘covenant’ as an organising principle for categorising the Old Testament in the manner of Eichrodt, and even though as we have seen this was common in both Protestant and Catholic Old Testament circles alike. The significant fact is that Bea did not use ‘covenant’ in a manner similar to Eichrodt, nor, as we shall see below, was it used in such a manner in the conciliar documents.

In sum, then, the antecedents to the Council are complex, as are the people involved. We can see that although certain groups were concerned with Catholic/Jewish relations, the issue was not uppermost in the minds of the world’s bishops, nor was it identified through the usual consultation process. Judaism was not included in the foundation document of the Secretariat for Promoting Christian Unity and it is not clear what status Pope John XXIII intended *De Questione Hebraica* to have. Once the paper was begun, it was uncertain whether it should be a theological exposition of Judaism’s relationship with the

²³⁸ J-M VEREB, *op. cit.*, p. 124 “...which was organised and sponsored, by and large, by Protestant, Jewish and secular biblical scholars.”

²³⁹ Pope Pius XI was reported to have replied “But of course you must attend” S. SCHMIDT, *Augustin Bea: Cardinal of Unity*, New York, 1992, p.97.

²⁴⁰ P. VOLZ, F. STUMMER, & J. HEMPEL (EDS), *Werden und Wesen des Alten Testaments: Vorträge gehalten auf der Internationalen Tagung Alttestamententlicher Forscher zu Göttingen vom 4.-10. September, 1935*, BZAW (66), Berlin, 1936, p.129.

²⁴¹ Bea references Eichrodt’s ‘Theology of the Old Testament’ in footnotes on pages 191 and 192 in ‘Der Heutige Stand der Pentateuchfrage’, in *Biblica* 16/2, 1935, 175-200. In ‘Kinderopfer für Moloch oder für Jahwe? Exegetische Anmerkungen zu o. Eissfeldt, Molk als Opferbegriff’, in *Biblica* 18/1, 1937, 95-107. Eichrodt is quoted in ‘Neuere Arbeiten zum Problem der biblischen Chronikbücher’ in *Biblica* 22/1, 1941, 46-58, p.48, and “‘Religionswissenschaftliche’ oder “Theologische” Exegese? Zur Geschichte der neueren biblischen Hermeneutik,’ in *Biblica* 40/2, 1959, 322-341, p.333.

Church, or should simply be a condemnation of anti-Semitism. However, I would say that as Baum's paper turned into the *Decretum de Iudaeis*, a theological reflection of the position of Judaism became unavoidable, and a simple condemnation of anti-Semitism untenable. For his part, Cardinal Bea, the overseer of the Secretariat and renowned Biblical scholar, was well aware of the recent movements within Old Testament studies and was appreciative of the work of Walther Eichrodt. But he did not use Eichrodt to any great extent in either his own Old Testament scholarship, or, as we shall see, in the formation of the documents which would finally become *Nostra Aetate*.

Decretum de Iudaeis did not offer a definition of Judaism in covenantal terms nor did it propose a connection between the Church and Judaism in covenantal language. Israel, carefully differentiated from the Jews or Judaism in the document, is to be found in the Patriarchs, Prophets and Abraham, and is described as those with whom 'God made the Old Covenant'. The covenant is not primary. 'Covenant' as the overarching theme of the Old Testament, and thus the ultimate definition of Israel or Judaism, is absent.

The genesis of *Nostra Aetate* was faltering, and as it did not come from a specific question or request, its purpose was unclear. We can already see at this stage in its development many of the concerns which *Nostra Aetate* would later have to address, as well as certain issues, such as the connection between the Israel of the Old Testament and post-Incarnation Judaism, which would not find their place in *Nostra Aetate*, but which would have to be addressed in later post-conciliar documents.

The original *Decretum de Iudaeis* was never presented to the Council. Arab countries thought it too positive towards the Jews, and potentially the Israeli state, and they protested. The safety of Christian lives in these countries was feared, and so the *Decretum* was never discussed during the first session.²⁴²

²⁴² A. BEA, *The Church and the Jewish People*, p.23, see also the relatio on the schema of November 1963, "After this schema was prepared it was to have been discussed in the conferences of the Central Commission in June 1962, The discussion was omitted not because of the ideas or doctrine expressed in the schema, but only because of certain unhappy political conditions at that time."

2.2 The Formation and Meaning of *Nostra Ætate*

The formation of *Nostra Ætate*, from *Decretum de Iudaeis* to the final form, was not simply a theological matter: world politics, internal Church dynamics, factional feuds between the Council Fathers, anti-Semitism, and Papal interference would all play a part. Other works have dealt with the specific formation of *Nostra Ætate* in detail, and I do not intend to repeat their work here.²⁴³ However, the reporting of history is always told from an ideological bias. What I wish to present in the section which follows is the history of the formation of *Nostra Ætate*, which seeks to show that the part of it which deals with Judaism is a confused and buffeted text which only later was incorporated into a larger document concerning the world religions. It is important to tell this version of the formation of *Nostra Ætate*, for otherwise the temptation would be to think of *Nostra Ætate* simply as document on the world religions which includes a section on Judaism. The tensions within the final text of *Nostra Ætate*, and the development of the post conciliar documents, makes sense when viewed against this background.

2.2.1 The Formation of the Text

In the previous section I focussed on the general atmosphere within the Church before the Council began. Even though it was not addressed in the first session of the Council, once the subject of Judaism had been raised, the Council Fathers would necessarily discuss it. I wish to show that from the very beginning and throughout the formation of the document, there were a number of forces both internal and external influencing the text. By examining them we can see both their effect on *Nostra Ætate*, and also something about the nature and meaning of the text itself. Although there will be a certain amount of overlap, I will categorise these influences under four headings: first, the politics which gave rise to the text; second, the status and position of the text; third, the contents or scope of the text; and fourth, Papal influence in the text's formation.

Cardinal Johannes Willebrands, who was appointed secretary to the Secretariat in 1960 by Pope John XXIII, later identified the two fundamental issues which would face the final document: theology and politics.²⁴⁴ Politics is the first of the categories I wish to consider. Cardinal Bea was at pains continually to stress that the Council was not concerned with politics *sed agitur de quaestione aliqua pura*

²⁴³ See the relevant sections throughout G. ALBERIGO & J. A. KOMONCHAK (EDS), *History of Vatican II*, five volumes, Maryknoll, 1995; A. BEA, *The Church and the Jewish People*, New York, 1966; J. M. OESTERREICHER, *op. cit.*, pp.1-154; M. LAMBERIGTS & L. DECLERCK, 'Vatican II on the Jews: A Historical Survey', in M. MOYEART & D. POLLEFEYT, *Never Revoked: Nostra Ætate as Ongoing Challenge for Jewish-Christian Dialogue*, Leuven, 2010, 13-56. R. LAURENTIN & J. NEUNER, *Declaration on the Relation of the Church to Non-Christian Religions: Commentary*, New York, 1966, pp.17-58; A. MELLONI, 'Nostra Ætate and the Discovery of the Sacrament of Otherness', in P. CUNNINGHAM, *The Catholic Church and The Jewish People: Recent Reflections from Rome*, New York, 2007, 129-151.

²⁴⁴ J. WILLEBRANDS, 'Christians and Jews: a new vision', in A. STACPOOLE, (ED.), *op. cit.*, pp.222-223, also see J. WILLEBRANDS, *Church and Jewish People*, p.41.

religiosa,²⁴⁵ but, in reality, this was simply impossible; there was a real concern for the safety of Christians in predominantly Arab lands. This is most clearly seen in the Wardi affair.²⁴⁶ In June 1962, the World Jewish Congress proposed to send a noted Jewish specialist on Christianity, Dr Chaim Wardi, to the Council as a representative. There had been calls for Jewish (and other faith) representatives to be present at the Council, with a status comparable to that of the Christian Observers.²⁴⁷ Dr Wardi's presence, however, would have presented several problems. First, the initiative had not come from the Vatican; all the other Observers had been issued with invitations by the Secretariat.²⁴⁸ Second, although it had been raised as in theory, in reality the only invitations issued had been to non-Catholic Christians, not to members of other faiths. Third, and perhaps most importantly, the Vatican did not recognise the State of Israel. This point, of course, should have carried no weight if the outside political forces had actually believed that the Church was only concerned with religious matters, but this was not the case. No matter what the Church's intention, any actual or perceived change in the language used to describe Judaism would be interpreted by Arab countries as a favourable overture to the Jews and also a political support for the State of Israel.²⁴⁹ In fact, the Church would not diplomatically recognise Israel until 1994, but to the political eyes of the Arabs (and the fears of those Bishops in predominantly Arab countries) Dr Wardi's presence represented a rapprochement between Judaism and Christianity at the very moment when the Arab world felt threatened by the existence of the State of Israel. The Wardi Affair shows that *De Questione Hebraica* was never just a religious question, no matter what the Fathers said. This would be seen over and over again. Indeed, as a result of the rising political tensions, the Central Preparatory commission removed the draft of the document concerning the Jews from discussion at the Council in June 1962.²⁵⁰ Cardinal Cicognani gave the plain reason "Today's bitter

²⁴⁵ '...was rather a question of a purely religious nature', *Acta Synodalia Sacrosancti Concilii Oecumenici Vaticani Secundi*, Typis Polyglottis Vaticanis, 1978, Vol. II Part V, p.481, Cardinal Bea 8th November 1963. Even one year later, in November 1964, Cardinal Ottaviani pressed Cardinal Bea to state again that this was not a political document, G. ALBERIGO, G., & J. A. KOMONCHAK (EDS), *History of Vatican II*, vol. IV pp.546-547.

²⁴⁶ For a complete account see J. M. OESTERREICHER, *op. cit.*, pp.41-46, also from a Jewish perspective A. GILBERT, *The Vatican Council and the Jews*, Cleveland Ohio, 1968, pp.61-63; also G. M. REIGNER *op. cit.*, pp.250f.

²⁴⁷ Even the presence of Christian observers was challenged. R. CORPORALE, *Vatican II: The Last of the Councils*, Baltimore, 1964, pp.94-95 recounts the opinion of a certain Father, "Because of their presence, we sense a certain restriction, control, and limitation in our freedom."

²⁴⁸ According to Riegner, Cardinal Bea had already asked Nahum Goldman if the Jewish organisations wished to send representatives. Eventually the Chief Rabbi Kaplan speaking on behalf of the European Association of Rabbis turned the offer down on the grounds that the Council was a matter of Christian Unity, and the Jews were not Christians. In this way, Rabbi Kaplan pre-empted the speeches of Council Fathers concerning the inclusion of Judaism within *De oecumenismo*. G. M. REIGNER, *op. cit.*, pp.241-243.

²⁴⁹ H. DE LUBAC, *Vatican Council Notebooks*, vol. II, p.26, November 13th, 1963, "Archbishop Zoghby [Melkite Archbishop of Baalbek], who got to come to Rome by promising to defend Arab interests there, is preparing, in order to be able to return without any problem, to make an intervention against the chapter *De oecumenismo* on the Jews."

²⁵⁰ J. M. OESTERREICHER, *op. cit.*, p.41.

disputes between Jews and Arabs are well known; the suspicion of politics could easily arise, that we are favouring one or another of the parties – rumours about this are already spreading.”²⁵¹

The problem of political interference dogged the whole issue of Judaism at the Council, and this first skirmish could have dealt a death blow to it being considered at all, but the issue of Judaism was kept alive through the specific intervention of Pope John at the behest of Cardinal Bea.²⁵² This discussion about Judaism would become ‘Chapter IV’ of the decree on Ecumenism, during the period between the first and second sessions, even though no discussion of it had previously taken place on the floor of the Council Chamber. When the Council Fathers finally addressed it, the Patriarchs who were responsible for small Christian communities in Arab lands spoke up against the document.²⁵³ Maximos IV Saigh, the Melkite Patriarch of Antioch, used a graphic saying to drive home his point, *Celui qui reçoit les coups n’est pas comme celui qui les comptes* – he who receives the blows is not like he who counts how many are given.²⁵⁴ His concern was not the text on the Jews, but rather the effect that it would have on the Christian people in his care.²⁵⁵ Patriarch Maximos’ argument was that while it was fine to issue statements in Rome, it was a very different thing when the effect of those statements was felt by those on the ground, and, moreover, on the back. Although many of the other Patriarchs criticised the inclusion of the section on Judaism within *De oecumenismo*, there is little doubt as to their real concern. This was not that it was contained in *De oecumenismo*, but rather that the subject was being discussed at all. Cardinal Tappouni, the Antiochene Patriarch of Syria, stated that by even talking about the Jews, it did not matter what he actually said, whatever political players wanted to find in his speeches, they would find.²⁵⁶

The political concerns continued into the third session, after Pope Paul VI returned from his pilgrimage to the Holy Land. Fr Edmond Farhat, a Maronite priest from Lebanon gave a report to Mgr William Carew of the Secretariat of State, after the pilgrimage. At the end of the report, Farhat suggested that the section which had formerly concerned Judaism also include a chapter on Islam, to persuade the Arabs that the Church was not going to favour the Jews at the expense of the Muslims. The Pope himself

²⁵¹ *Acta et documenta Concilio oecumenico Vaticano II apparando; Series secunda (praeparatoria)*. Typis Polyglottis Vaticanis, 1969, quoted from G. ALBERIGO, G., & J. A. KOMONCHAK (EDS), *History of Vatican II*, vol.I, p.271.

²⁵² Cardinal Bea appealed to John XXIII who replied in December 1962, “We have read Cardinal Bea’s memorandum with care and entirely share his opinion that a profound responsibility requires our intervention.” J. M. OESTERREICHER, *op. cit.*, p.44.

²⁵³ R. LAURENTIN & J. NEUNER, *op. cit.*, p.24, “Three Eastern Patriarchs: Cardinal Tappouni (Syrian), Maximos IV (Melkite) and Stephen I (Coptic) intervened vigorously in demanding the withdrawal of the text.”

²⁵⁴ AS II/5 p.544, 8th November 1963.

²⁵⁵ Y. CONGAR, *My Journal of the Council*, entry 10th October 1963 “The Patriarch [Maximos IV Saigh] drew me aside for a moment in order to say that it was absolutely essential of me not to mention Israel, as I wanted to do, in the *De populo Dei*. According to him, that would set off a massacre of Christians in Arab countries surrounding the state of Israel...”

²⁵⁶ AS II/5, p.527, Cardinal Tappouni.

read this document, and made copies for Cardinal Marella, who would become the head of the Secretariat for non-Christians, and for the Secretariat for Promoting Christian Unity. At a meeting on 27th February 1964, the Secretariat agreed that the chapter on the Jews should be retained, but that a chapter on Islam should also be included. Politics would change the scope of the document. The Coordinating Commission made certain modifications to the Secretariat for Promoting Christian Unity's text, most notably no longer using the term 'deicide'.²⁵⁷ The Arabs feared that if the Jews were 'acquitted' of the charge of deicide, then relations between the State of Israel and Catholicism would be made easier, to the Arabs countries' detriment. The Council Fathers continued to be worried about the consequences of the document for Christians '*qui inter Arabes viventes*',²⁵⁸ however, political interest in the document was no longer confined to the Arab nations. In his address of September 25th, 1964, during the third session, Cardinal Bea remarked 'This Declaration is one in which public opinion has shown the greatest interest. There is scarcely any other schema about which so much has been written in the world press and in newspapers of wide circulation and influence.'²⁵⁹

In between the third and fourth sessions, the declaration was on the point of being removed from the Council altogether. At this moment the text was more or less the same as *Nostra Aetate*, but now was included as an Appendix to *De oecumenismo*. What brought the near destruction of this appendix was what Oesterreicher refers to as the "Holy War".²⁶⁰ The main players in the attack on the document were (again) the Bishops whose Churches were in predominantly Arab lands, but also included the Arabs themselves, inadvertently the Jewish leaders in Jerusalem, and sections within the Orthodox Church who used the political unrest to stress the differences between Orthodoxy and Catholicism, thus hoping to derail any rapprochement between the two wings of Christianity. Meeting in Ariccia in March 1965, the Secretariat debated deleting the phrase 'guilty of deicide', which had become the focus of the problem, but the members of the Secretariat were not in agreement.²⁶¹ Even after persistent diplomacy and explanation by the Church authorities, the situation in the Middle East, also, had not improved.²⁶² Various options were discussed at the meeting. The choices were that an innocuous statement could be issued concerning the Jews, but which did not say anything contentious; or that there could simply be silence about the whole matter at this time, but that later, when the political heat had cooled, the document as it lay before them could be promulgated more or less as it was now constituted. However, with the eyes of the world on them, the Bishops knew that issuing nothing at all was simply not an option, and that putting out a bland document, omitting the difficult issues, would be accepted badly by

²⁵⁷ G. ALBERIGO, G., & J. A. KOMONCHAK (EDS), *History of Vatican II*, vol. IV p.143.

²⁵⁸ Carinal Liénart, handwritten submission, AS III/2, p.785.

²⁵⁹ A. BEA, *op. cit.*, p. 159; G. M. REIGNER, *op. cit.*, pp.256-257.

²⁶⁰ J. M. OESTERREICHER, *op. cit.*, pp.101ff.

²⁶¹ The justification for changing a text on which the Council Fathers had voted was that the underlying meaning had not been changed.

²⁶² Pope Paul VI sent Bishop Willebrands and Fr Duprey to the Middle East to investigate the situation on the ground. Their report was not encouraging. See J. M. OESTERREICHER, *op. cit.*, p.109.

those across the globe who now waited for the Church's statement.²⁶³ The Bishop of Würzburg, Josef Stangl, said, 'The question of the acceptance or rejection of our decree is a decisive hour for the Council. Will the Church take the road of incorruptible truth and justice or that of tactics, of diplomacy, and of least resistance?''²⁶⁴ Eventually, the Secretariat decided to go ahead with the document but to remove the term 'deicide'.²⁶⁵

The political arguments which shaped the text of *Nostra Aetate* were in large part a proxy war between Arab countries and Israel. From Dr Wardi onwards, the Arabs had feared a growing legitimisation of the State of Israel by the West. If the Catholic Church dropped her (supposed) antagonism to Judaism, then this could only help Israel's political situation.²⁶⁶ The many and various deliberations of the Council and Secretariat were alive to this ongoing political problem. The existence and contents of a document concerning the Jews was, at every stage, surrounded by political questions. Not only did the contents change, but the very existence of the document was brought into question not because of any theological reason, but by political arguments. That Judaism could not be considered in isolation was not the result of the Church's deliberations into the theological relationship of the Church to Judaism, but simply that if a document was promulgated concerning only Judaism, then the political, Arab, world would come into play. Although certain Council Fathers did promote the inclusion of other faiths for theological reasons, to be outlined below, the most pressing reason was always political.

I now wish to turn to the nature of the text itself. By this I do not mean its contents as they changed over time, but rather the various documents' status and their position within the other Conciliar texts. It was only at the very end of the Council that a stand-alone document which incorporated the document on the Jews was proposed.

As we have seen, when Pope John XXIII called for a document on the Jews it was not clear what he envisaged. Although he asked the Secretariat to consider the question of Judaism, we do not know if he intended that this would eventually form any part of the Council deliberations. It may be that the Pope only wanted a private discussion document, a position supported by the silence of *Superno Dei Nutu*

²⁶³ From a report by Cardinal Bea to Pope Paul, "The Conciliar Fathers, members of the Secretariat think, almost with unanimity, that the Declaration cannot be withdrawn. It would be a [cause of] shame for the Church and especially for the Council to surrender in the face of such political pressure and it would mean risking [possible] harm to the trust in the Council and in the Holy father as well." Quoted from A. CAPONERA, 'Papers of the Secretariat for Christian Unity on *Nostra Aetate*', p.61. See, *inter alia*, G. ALBERIGO, G., & J. A. KOMONCHAK (EDS), *History of Vatican II*, vol. IV pp.147-148.

²⁶⁴ Quoted from J. M. OESTERREICHER, *The New Encounter*, pp.249-250.

²⁶⁵ Cardinal Bea explained to the Council that the meaning of the text had not changed, but that a difficult term had been avoided. See A. BEA, *op. cit.*, p.171.

²⁶⁶ In this they were simply following the statement of Pope Pius X "The Jews have not recognized our Lord, therefore we cannot recognize the Jewish people." Quoted from R. PATAI, *The Complete Diaries of Theodor Herzl*, translated by H. Zohn. New York/London, 1960, 1601-1605, downloaded from <http://www.cjfr.us/dialogika-resources/primary-texts-from-the-history-of-the-relationship/1253-herzl1904>

about the Jews, and the statement of Mgr Capovilla that the idea only came to Pope John after the meeting with Isaac. Alternatively, we could argue that as Pope John entrusted this work to Cardinal Bea and the Secretariat, it was inevitable from that moment that it would form part of the life of the Council. Indeed, had he wanted something entirely separate from the upcoming Council, the Pope would not have entrusted it to one of the conciliar organs. Even before the Council opened, I would argue that once the *Decretum de Iudaeis* was written it was inevitable that Judaism would become part of the Council's agenda. Indeed, we know that the reason why the *Decretum* was not discussed at the first session of the Council was 'only because of certain unhappy political conditions at that time'.²⁶⁷ Cardinal Bea was convinced that the document should not be forgotten, and communicated this to Pope John.²⁶⁸ At this point in the Council, the position, status, and indeed the continued existence of *Decretum de Iudaeis* was threatened, but at Pope John's insistence, even though it would happen after his death, Judaism would be discussed during the second session. The text was more or less the same as *Decretum de Iudaeis*, but it had now become Chapter IV of the Decree on Ecumenism. This preserved the discussion of Judaism within the Council. However, except for the reason of expediency, it is not clear why Judaism should have been included in a document on Ecumenism. Indeed, this point was made time and again on the Council floor. Cardinal Tappouni sums up the criticism voiced by many Fathers, namely that a document on Ecumenism was not the place for a discussion on Judaism, as ecumenism was properly concerned with fellow Christians, 'By the name 'ecumenism', the fostering of the unity of Christians is understood, so this is not the place for discussion of the Jews or religious liberty'.²⁶⁹ This issue was not resolved even as the third session began in 1964. Chapter IV, concerning the Jews, had now been removed from the body of the schema on Ecumenism, but was added to it as an Appendix. Although no longer a chapter of *De oecumenismo*, the text on the Jews was still orientated towards ecumenism simply by being an Appendix. This was rather perplexing as the title had now been expanded to 'On the Jews and non-Christians'. Even though most of the text concerned only the Jews, with Muslims only being mentioned in one place towards the end,²⁷⁰ it is difficult to know how this change addressed the Fathers' objections about being considered in relation to ecumenism. Its inclusion as an Appendix had to be defended by Cardinal Bea;

And yet, the close association between the Church, the chosen people of the New Testament with the chosen people of the Old Testament is common to all Christians,

²⁶⁷ A. BEA, *op. cit.*, p.154. Relatio on the schema, November 1963.

²⁶⁸ See G. ALBERIGO, G., & J. A. KOMONCHAK (EDS), *History of Vatican II*, vol. IV p.138, and J. M. OESTERREICHER, *op. cit.*, p.43.

²⁶⁹ AS II/5 p.527, 'Nomine enim oecumenismi christianorum unitas intelligitur fovenda, ideoque, non est hic locus de Iudeis aut de libertate religiosa disceptandi.' Also H. DE LUBAC, *Vatican Council Notebooks*, vol. II, San Francisco, 2015, p.55, January 22nd 1964, "...to Msgr. Arrighi, on the possible insertion of the chapter on the Jews in *De revelatione*..."

²⁷⁰ "Thus we embrace also, and first of all, the Moslems who worship one personal and recompensing God and who in religious feeling as well as through many channels of human culture come near to us." Quoted from J. M. OESTERREICHER, *op. cit.*, p.59.

and thus there is an intimate connection between the ecumenical movement and the matters discussed in this Declaration.²⁷¹

As Bea's argument can be equally applied to the inclusion of Judaism in Chapter IV, and also as an Appendix to *De oecumenismo*, it does not really resolve the matter. Many of the Fathers argued that the Appendix watered down the strength of Chapter IV, as the document no longer condemned the use of the term 'deicide', and the Fathers demanded a return to the stronger language of the previous Chapter IV.²⁷² All of these problems, however, were pushed to the margins by the so-called 'October Crisis'.²⁷³ Early in October, it was proposed that the text of the Appendix be removed from the decree on Ecumenism and reviewed by a new mixed commission with the aim of reviewing the Appendix, and then placing the revised text on Judaism in the document on the Church. Cardinal Felici, the General secretary to the Council, said "as a result of the report of His Eminence the Cardinal Secretary of State and of opinions that came to light during the discussion... that the subject of the Jews should be treated in the second chapter of the schema *De ecclesia*, where ... reference is already made to the people of Israel."²⁷⁴ Although this came about after the attempt by the Melkite bishops to block the whole document, the idea of placing the text in *De ecclesia* had already been raised on the Council floor. Actually, during the 'October Crisis', the main concern was not the Appendix on Judaism, but rather the section on Religious Liberty. This section also had been a chapter in the decree on Ecumenism. As Religious Liberty and the Jews had been counted together as interlopers in *De oecumenismo*, when one was attacked the other was affected. The practical result was that for the moment, it was proposed that the text on the Jews and non-Christians be moved from the Appendix of *De oecumenismo*, to be incorporated into the body of *De ecclesia*.²⁷⁵ Cardinal Bea was willing to do anything as long as the essentials of the text were retained, no matter where it ended up.²⁷⁶ Also, Bea was aware that several Council Fathers would not be averse to Judaism being placed in the schema on the Church.²⁷⁷ However,

²⁷¹ A. BEA, *op. cit.*, p.164. Relatio on the schema, October, 1964. See also the press conference of Cardinal Heenan of 26th September 1964 "It is important to stress that the motives for including the Jews in the schema on Ecumenism were exclusively theological and spiritual." Quoted from D. WORLOCK (ED.), *English Bishops at the Council: The Third Session of Vatican II*, London, 1965, p.142.

²⁷² J. M. OESTERREICHER, *op. cit.*, pp.67-80, calls the interventions of 28th and 29th September 1964 'The Great Debate'.

²⁷³ For an account of the October Crisis see G. ALBERIGO, G., & J. A. KOMONCHAK (EDS), *History of Vatican II*, vol. IV pp.167-193.

²⁷⁴ Quoted from *ibid.*, p.167. Also *ibid.*, p.179, Felici suggested "the Secretariat for Christian Unity and the Doctrinal Commission be charged to agree on a text that will develop what had already been said about the Jewish people in the *De ecclesia* (chapter II, no. 16). After drafting the text, those two bodies... are to present their works to those directing the Council, who will decide how to proceed."

²⁷⁵ According to an entry in H. DE LUBAC, *Vatican Council Notebooks*, vol. II, San Francisco, 2015, p.174, October 9th, 1964, its very existence was threatened, "According to Oreste Kéramé [a Priest of the Melkite Patriarchate], faced with the influx of complaints reaching the Vatican, the Pope has decided to eliminate the special declaration on the Jews; a doctrinal paragraph about them will be added to *De Ecclesia*, and one or two sentences condemning the various kinds of racism will be inserted into the schema on the Church and the modern world." This did not happen, although de Lubac mentioned it again on October 21st 1964, *ibid.*, p.208.

²⁷⁶ G. ALBERIGO, G., & J. A. KOMONCHAK (EDS), *History of Vatican II*, vol. IV p.192.

²⁷⁷ *Ibid.*, p.185.

as it transpired, this did not happen.²⁷⁸ The ‘October Crisis’ ended in the fall of the proposed Mixed Commissions (both for Religious Liberty and the Jews), and a refusal of the Theological Commission even to consider the section on the Jews being included in the treatise on the Church.

By the end of the third session, on 20th November 1964, the text had been expanded from a document about Judaism to one which now made one reference to the Muslims. As described above, even at this point during Oesterreicher’s ‘Holy War’, the Declaration was threatened, but the Secretariat removed the disputed term ‘deicide’, and issued *Nostra Aetate*, as it was now called, as a document in its own right. Until the very last moment, the Declaration encountered problems, from supposedly being undermined by Pope Paul VI,²⁷⁹ to the Declaration being written about in various secular publications.²⁸⁰ On 28th October, 1965, however, *Nostra Aetate* was voted on and accepted. Oesterreicher states “Whoever had witnessed all the crises and vicissitudes of the Declaration on the Jews from close by could only regard the triumph of that day as a miracle.”²⁸¹

The status and physical position of the text changed at every significant point in the chronology of the Council. Before the opening of the Council, the role of the *Decretum de Iudaeis* was unclear. When Judaism was discussed during the second session, it was as Chapter IV of *De oecumenismo*. The status of the section on the Jews can be inferred from its position among conciliar documents. It changed from being a stand-alone discussion document to a chapter of, then an appendix to, the document on Ecumenism. It was briefly transported into the body of the text of *De ecclesia*, and then, even more briefly, was to be an appendix to it.²⁸² Only at the very end of its life, at the very conclusion of the Council, did the text become the independent document *Nostra Aetate*.

Next, I wish to turn to the scope of the text; that is, the expansion of the text from a document concerning only Judaism to the final form of *Nostra Aetate*, in which Judaism finds its place within the larger context of the world religions.²⁸³ The *Decretum de Iudaeis*, as we would expect, was initially only concerned with Judaism. Indeed, the submissions which were received from Seton Hall and Apeldoorn, mentioned above, also only speak of Judaism. What, perhaps, was unanticipated was the response from the Council

²⁷⁸ See *ibid.*, pp.192-193.

²⁷⁹ Paul VI’s sermon on Passion Sunday 1965 seemed to blame the Jews as a nation for the death of Jesus. See J. M. OESTERREICHER, *op. cit.*, p.114. Also, see Congar’s comment on a meeting with Fr Joseph Ratzinger, Y. CONGAR, *op. cit.*, entry 3rd April 1965, “The Pope was thought to be convinced of the collective responsibility of the Jewish people in the death of Christ.”

²⁸⁰ J. M. OESTERREICHER, *op. cit.*, pp.115f.

²⁸¹ *Ibid.*, p.129.

²⁸² See Y. CONGAR, *op. cit.*, entry 20th October, 1964, “It seems that the text is to be added to the chapter *De Populo Dei*, as a corollary or appendix.”

²⁸³ In November 1964, Bea would describe this process in terms of the parable of the mustard seed. All of the world religions now found a place in what was originally concerned only with Judaism. A. BEA, *op. cit.*, p.166. Account of the Declaration. 20th November 1964.

floor when Judaism began to be discussed. The first time the document was properly debated was during the third session, in November 1963. The Fathers' overriding concern was the inclusion of Chapter IV of the document *De oecumenismo*,²⁸⁴ namely why the Jews were being discussed in the context of sister Churches and other ecclesial bodies. However, there was a series of interventions which called for the expansion of the chapter beyond Judaism to include other religions. Cardinal Ruffini stated, 'why do we not also mention the many others, who, very often in good faith, adhere to other religions?'²⁸⁵ Patriarch Maximos IV Saigh joined various different concerns together; the perplexing position of Judaism in Ecumenism, the need to address the Muslims as well as the Jews, and a perceived offence caused to the 'separated brethren' being discussed alongside non-Christians.²⁸⁶ Cardinal Doi raised the issue of Buddhism and Confucianism, however, this was not primarily in relation to Judaism. His concern, like the Christians in predominantly Arab lands, was the fate of small Christian communities living in a non-Christian society. He proposed a new title of "*De catholicorum habitudine ad Iudaeos et ad ceteros non-christianos*" with an additional section on 'others' after the proposed text concerning the Jews.²⁸⁷ On 22nd November, Bishop Coutinho called for a document devoted to the Jews alone, but also suggested that a further document should address the issue of divine revelation not only to the Jews but to all other religions.²⁸⁸ The written submissions mirror this twofold concern; the problem of Judaism being included in a document on Ecumenism, and the question of widening the chapter's scope to include other non-Christian religions.²⁸⁹

²⁸⁴ See Tappouni, AS II/5, p.527; Bueno y Monreal, AS II/5, p.533; Stephanos I Sidarous, AS II/5, p.541, Maximos IV Saigh, AS II/5, pp.542-543; Florit (21st November 1963), AS II/5, pp.665-666; Carli, AS II/5, pp.691-694; Pont y Gol, AS II/5 p.746.

²⁸⁵ Cardinal Ruffini 'cur non nominantur illi, quam plurimi, qui adhaerent, et saepissime bona fide, ceteris religionibus?' AS II/5 p.529. Also Cardinal Bueno y Monreal AS II/5 p.533, the Church should deal with 'de habitudine Ecclesiae erga omnes qui extra unitatem populi Dei sunt'.

²⁸⁶ Maximos IV Saigh, AS 5/11, pp.542-543, 'L'œcuménisme est un effort pour la reunion de toute la famille chrétienne, c.-à-d. le remembrement de tous ceux qui sont baptisés dans le Christ. C'est donc une affaire de famille, strictement intime. Les non-chrétiens ne sont donc pas en cause. Et l'on ne soit pas ce que les juifs viennent faire dans l'œcuménisme chrétien, et pourquoi on les y a introduits. → En outre, il est gravement offensant pour nos frères séparés, qu'on semble traiter sur le même pied que les juifs.'

²⁸⁷ AS II/5, p.540, 'Breviter ergo ostendatur quod Ecclesia catholica debito modo aestimat germina veritatis in iisdem contenta quibus nempe secundum consilia Providentiae ad Christum praeparare videntur.'; for the inclusion of Buddhism and Confucianism, see Chang Tso-Huan, 22nd November 1963, AS II/5 pp.765-767; 20th November 1963, Bacci argued for logically including other religions, AS II/5, p.598, '...sed non videtur cur, si de Iudeis agitur, qui non christiani sunt, etiam de aliis populis non dicantur, qui, quamvis non christiani, Deum tamen diversa religione colunt, et qui minore benevolentia ab Ecclesia haberi non possunt.'; Jelmini called for the inclusion of Muslims and atheists, AS II/5, pp.600-601, '...sed de Mahometanis et quidem in diebus nostris atheismi...'; Arceo called for different gradations of relations between the Church and other groups, AS II/5 pp.615-617, 'Visio progressive exurgeret logica: Ecclesia Christi et mundus atheisticus, Ecclesia et hominis religiosi extra religionem, Ecclesia et religiones non Christianae, Ecclesia et Islamismum, Ecclesia et Iudaei, Ecclesia et omnes christiani'.

²⁸⁸ Bishop Fortunatus da Veiga Coutinho, AS II/5 pp.744-745, '...verum est scelera gravissima contra Iudaeos his ultimis annis fuisse patrata. Sed haec non est sufficiens ratio cur Concilium de Iudaeis *speciali* textu agat. Nonne melius esset, etiam pro Iudaeis, si de eis non separatim tractetur, tamquam essent problema sui generis, sed in contextu universaliore habitudinis ad alias religiones?'

²⁸⁹ For concern about the inclusion as Chapter IV, see De Castro Meyer, AS II/5 pp.784-785; Ruotolo, AS II/5, pp.812-813; Vizoso, AS II/5, pp.821-823; For a proposed widening to include other religions, see Bergamin, AS II/5, pp.774-775; Hermaniuk, AS II/5, pp.793-795, chapter IV should be expanded to include 'religio Islamica,

After the close of the second session, Pope Paul VI declared that he would go on pilgrimage to the Holy Land. Many, including the commentator X. Rynne, connected the speedy discussion of Chapter IV and the Pope's announcement.²⁹⁰ After the Pilgrimage, but before the third session, the Farhat report proposed that there now be a chapter on Islam, though this was because of political rather than theological reasons. After the Secretariat's vote of 27th February 1964, the text was expanded beyond Judaism, "Thus we embrace also, and first of all, the Moslems who worship one personal and recompensing God and who in religious feeling as well as through many channels of human culture come near to us."²⁹¹ The text had been changed, and had now become an Appendix, and although this change was significant, as Islam was mentioned by name, the actual text itself was overwhelmingly still concerned only with Judaism.²⁹² The new document, now entitled 'On the Jews and non-Christians' was generally well received,²⁹³ but the expansion of the text to mention the Muslims, albeit briefly, did not go unchallenged. On 30th September 1964, Bishop Gahamanyi of Butare in Rwanda, speaking on behalf of around eighty Council Fathers, called for the text to promote a closer relationship to animism, so that it "be not about the Jews but about non-Christians and make some special mention of Jews and Muslims."²⁹⁴ Others thought that the Jews were being given special treatment at the expense of Muslims.²⁹⁵

The truly major change which occurred in the scope of the text took place after the third session, after the October Crisis in 1964, and after the document was briefly attached to *De ecclesia*. Paul VI had promised Cardinal Bea that the 'Declaration on the Jews' would be 'neither amputated nor

Buddhistica, Hinduismus, Confucianismus et aliae...'; For Chapter IV not being included but Judaism being attached to a discussion of together religions, see Dalmais, AS II/5, pp.782-783; Cauwelaert, AS II/5, pp.825-826; Verhoeven, AS II/5, pp.827-828; For the section to be included in *De ecclesia*, see, Senyshyn, AS II/5, pp.816-817; Sipovič, AS II/5, pp.820-821; For the section to be included in the document on the missions, see, Pin, AS II/5, pp.832-833.

²⁹⁰ X. RYNNE, *The Debates and Decrees of Vatican Council II*, London, Vol. II, 1964, p.308, "Regardless of other factors which may have entered into the picture at the time, there can be little doubt, in the light of subsequent events, that one of the primary reasons why Pope Paul did not want a detailed debate on the floor of the Council on Chapter IV on the Jewish problem, was that he thought too heated a discussion of the matter in Rome might prejudice the success of his Holy Land pilgrimage, which had already been decided upon."

²⁹¹ AS III/2, p.329, 'Sic amplectamus imprimis etiam Musulmanos qui unicum Deum personalem atque remuneratorem adorant et sensu religioso atque permultis humanae culturae communicationibus proprius ad nos accesserunt.'

²⁹² AS III/2, pp.333-334 for the Relatio of 23rd September 1964.

²⁹³ Frings, AS III/2, p.582; Ruffini, AS III/2, p.585; König, AS III/2, p.594; Meyer, AS III/2, pp.596-599; Nierman, AS III/2, pp.603-604; Colombo, AS III/2, pp.789-791; Proinchères, AS III/2, pp.791-793, wanted the inclusion of Buddhists etc.; Sfair, AS III/2 pp.805-806, concerning the special place of Christ and the Virgin Mary in Islam; Also H. DE LUBAC, *Vatican Council Notebooks*, vol. II, San Francisco, 2015, p.102, September 14th, 1964, "...a very wise note..."

²⁹⁴ AS III/3, p.142, quoted from G. ALBERIGO, G., & J. A. KOMONCHAK (EDS), *History of Vatican II*, vol. IV p.163. Also Fernandes AS III/2, pp.878-879

²⁹⁵ Gavazzi, III/2, pp.793-794.

diminished'.²⁹⁶ This resulted in the document being given a new impetus, together with new experts,²⁹⁷ though at this stage the Jews had been excised from the document's title.²⁹⁸ Even though the text was now substantially the same as the final text of *Nostra Aetate*, though the term 'deicide' had not yet been removed, it was neither discussed nor voted on by the Fathers before the end of the third session.²⁹⁹ Indeed the Fathers were only given the text on 18th November, two days before voting took place on the 20th. The declaration was passed. As the fourth session began, after some discussion and explanation the new text was accepted on 28th October 1965.

As we track the changes made to the document, it is tempting to think that it simply began as a statement on the Jews and then developed into *Nostra Aetate* after the intervention of the Council Fathers. This, however, is not clear cut. We can see at each stage of the document's development the two influences; external international politics, and Pope Paul VI. Although, as we have seen, there were Council Fathers who raised the inclusion of Islam or other faiths, or indeed none, the main problem that the Fathers had was that the Jews were being discussed in the context of ecumenism. When Islam was raised it was because of the fear of the persecution of Christians, rather than a statement about modes of God's revelation to the world.

I now wish to turn to an important source of this impetus, Pope Paul VI. We have already noted that, at least to the mind of the Council commentator X. Rynne, there was a connection between the voting on the document at the end of the second session and Pope Paul's pilgrimage to the Holy Land.³⁰⁰ Had voting taken place on what was, at this time, Chapter IV, then the Pope's reception in the Arab countries would have been very different. Pope Paul needed both Israel and the Arab states on his side for the pilgrimage to be a success. However, this delay, while being open to charges of political expediency, did not involve any change in the text itself. I am interested in the changes which took place towards the end of the third session, from the Appendix, which included only one brief mention of Islam, to the first draft of *Nostra Aetate*. In considering Pope Paul's involvement in these changes, it is important to distinguish between direct interference and general influence. I am not proposing that Pope Paul affected the expansion which took place to include the world religions, in a specific way. We know of occasions of direct Papal involvement,³⁰¹ but this is not one of them. Rather, following Oesterreicher,³⁰²

²⁹⁶ J. M. OESTERREICHER, *op. cit.*, p.85, quoting A. -M. HENRY (ED), *Vatican II*, (s.l.), 1966, p.62.

²⁹⁷ *Ibid.*, p.86; G. ALBERIGO, G., & J. A. KOMONCHAK (EDS), *History of Vatican II*, vol. IV p.168.

²⁹⁸ H. DE LUBAC, *Vatican Council Notebooks*, vol. II, San Francisco, 2015, p.250, November 7th, 1964, "...[Fr Pfister] showed me the new chapter on non-Christians ("Jews" no longer appears in the title)."

²⁹⁹ For an account of the 'black week', see G. ALBERIGO, G., & J. A. KOMONCHAK (EDS), *History of Vatican II*, vol. IV pp.387-451.

³⁰⁰ Also, J. M. OESTERREICHER, *op. cit.*, p.56.

³⁰¹ G. ALBERIGO, G., & J. A. KOMONCHAK (EDS), *History of Vatican II*, vol. IV p.146, fn.190.

³⁰² J. M. OESTERREICHER, *op. cit.*, pp.86-90.

I will argue that Pope Paul provided a new theological framework which changed the text and direction of *Nostra Ætate*, and one to which the drafters of *Nostra Ætate* readily acquiesced.

Oesterreicher makes his argument by focussing on three of Pope Paul's statements. He begins with the opening speech of the second session on 29th September 1963.

The Catholic Church, however, looks beyond the frontiers of Christianity. How could she limit her love, as she is to imitate the love of the divine Father, who gives his good things to all men (cf. Mt 5:48) and so loves the world, that he gave his only son for its salvation? (cf. Jn 3:16). Thus she looks beyond her own sphere to the other religions which have preserved the sense of the Divine and the idea of the one supreme and transcendent Creator and Preserver. These religions venerate God by sincere acts of piety, a piety which, like their convictions, form the foundations of their moral and social life. The Catholic Church sees – not without regret – in these religions gaps and errors. But it cannot but turn also to them in order to tell them that the Catholic religion gives due respect to whatever truth, goodness and humanity she finds in them, and to assure them that she is in the forefront of those who, among our contemporaries, protect the sense of religion and worship, both the conditions and the obligations of the earthly common good in order effectively to defend, as it were, the rights of God over men.³⁰³

Pope Paul's speech consciously makes comparisons between Christianity and 'the other religions'. The latter are spoken of in an undifferentiated way, although they can only refer to Islam and Judaism, because of the way their perception of God is described. These monotheistic religions are identified not only by their belief but also by their 'acts of piety which... form the foundations of their moral and social life'. They are deficient, but '...the Catholic religion gives due respect to whatever truth, goodness and humanity she finds in them'. The picture which Pope Paul paints is one where the Church looks out from the centre and sees these other religions. This is different from the Appendix and Chapter IV, where Judaism alone was the starting point of the enquiry. There is a similarity of language used by the Pope in this speech and the later drafts of *Nostra Ætate*. The 'acts of piety' will become 'prayer, almsgiving, and fasting, so they seek to make the moral life' in *Nostra Ætate* section 3, concerning Islam. '[T]he Catholic religion gives due respect to whatever truth, goodness and humanity she finds in them' and *Nostra Ætate*'s statement that 'The Catholic Church rejects nothing in these religions that is true and holy' are also strikingly similar. Of course, the language is not exactly the same, but the notable fact is that neither of these ideas are present in the Appendix. They only arrive when the document is radically expanded at the end of the third session.

The second text Oesterreicher quotes is the Pope's Easter Message of 1964.

Every religion contains a ray of the light which we must neither despise nor extinguish, even though it is not sufficient to give man the truth he needs, or to realize the miracle of the Christian light in which truth and life coalesce. But every religion raises us towards the transcendent being, the sole ground of all existence and all thought, of all

³⁰³ *Ibid.*, p.87.

responsible action and all authentic hope. Every religion is a dawn of faith, and we await its full realization in the light of noon, in the splendour of Christian wisdom.³⁰⁴

Again, we can see the similarity of language in Paul VI's Message and the conciliar drafts. Chapter IV of *De oecumenismo* had been altered by the Secretariat for Promoting Christian Unity and the Coordinating Commission throughout 1964 until it appeared as the Appendix. Pope Paul's Message falls in the middle of this process. In the Appendix we see 'the ray of that truth which gives light to every person born into this world', and the Homily states that 'every religion contains a ray of the light ...' This image, and the theology behind it, will provide the background for the positive assessment of the non-Christian religions in *Nostra Aetate*.

The final text Oesterreicher quotes is Paul VI's Encyclical *Ecclesiam Suam* of 6th August, 1964. Pope Paul addresses the issue of the Church's dialogue with the world in sections 96-109. Here, Pope Paul uses the image of spheres in relation to a central point, rather like the planets orbiting the sun. The majority of these sections concerns a general dialogue with 'the entire human race, the world', designated as 'the first circle'. The second circle are those who worship the One God. Here Paul VI speaks of both monotheistic religions of Judaism and Islam, affirming that the God of Judaism and Islam is the same as the God of the Christians, '...those men who worship the one supreme God, whom we also worship.'³⁰⁵ Within this second circle Pope Paul makes finer gradations. Closest to Christianity is Judaism, 'We would mention first the Jewish people, who still retain the religion of the Old Testament, and who are indeed worthy of our respect and love'; then Islam, 'Then we have those worshippers who adhere to other monotheistic systems of religion, especially the Moslem religion. We do well to admire these people for all that is good and true in their worship of God.'³⁰⁶ In a separate category, though in the same sphere, Paul VI places 'the Afro-Asiatic religions'. While there is no detailed theology of world religions and their relationship to Christianity in this document, what we do find is the structure of ordering peoples in spheres radiating from Christianity.³⁰⁷ This is entirely absent from the Appendix at this stage, but is integral to *Nostra Aetate*. This debt of *Nostra Aetate* to Paul VI is acknowledged by Cardinal Bea. In his account of the Declaration of 20th November 1964, Bea

³⁰⁴ Italian text "Ogni religione ha in sé bagliori di luce, che non bisogna né disprezzare né spegnere, anche se essi non sono sufficienti a dare all'uomo la chiarezza di cui ha bisogno, e non valgono a raggiungere il miracolo della luce cristiana, che fa coincidere la verità con la vita; ma ogni religione ci solleva alla trascendenza dell'Essere, senza di cui non è ragione per l'esistere, per il ragionare, per l'operare responsabile, per lo sperare senza illusione. Ogni religione è alba di fede; e noi l'attendiamo a migliore aurora, all'ottimo splendore della sapienza cristiana." From http://w2.vatican.va/content/paul-vi/it/messages/urbi_et_orbi/documents/hf_p-vi_mes_19640329_easter-urbi.html

³⁰⁵ *Ecclesiam Suam*, § 107.

³⁰⁶ Note, G. D'COSTA, *Vatican II: Catholic Doctrines and Jews and Muslims*, Oxford, 2014, p.173, 'It [the second draft of the section on Islam] has the possible benefit of now having Paul VI's encyclical *Ecclesiam Suam* to draw upon'.

³⁰⁷ *Ecclesiam Suam*, § 96 "We see the concrete situation very clearly, and might sum it up in general terms by describing it in a series of concentric circles around the central point at which God has placed us.

mentions *Ecclesiam Suam* twice. He first uses it to justify the inclusion of other non-Christian religions,³⁰⁸ and then with reference to the principle of dialogue.³⁰⁹

The difference between the Appendix and *Nostra Aetate* cannot be explained as an expansion of the earlier text. It is not credible that the few words concerning Muslims in the Appendix would naturally develop in this manner. From specific images, such as the ‘rays of light and truth’, to theological assertions, that non-Christian religions can contain ‘truth, goodness and humanity’, we can see Papal influence. However, these phrases are as nothing compared to the total reformulation of the document, the Copernican revolution as it were. This mapping of the world in terms of its religious identity, and its gradated relation to Catholicism, comes directly from Pope Paul VI in *Ecclesiam Suam*.³¹⁰ Such a radical change to the document at such a late stage in the life of the Council could only have taken place if it found its authority from the Pope. In this Paul VI did not need to interfere, the Secretariat could simply borrow his ideas and images, safe in the knowledge that no one would gainsay the Pope.

What I have outlined above is designed to give an account of the formation of the final text of *Nostra Aetate* from one particular viewpoint. This is, of course, a highly subjective endeavour. My purpose is to emphasise certain elements in the development of this particular text to show that the final form owes more to expediency and external concerns than it does to the deliberations of the Council Fathers. I am not saying that this is the case for every part of *Nostra Aetate*, merely the expansion of the text to include the world religions, and both Judaism and Christianity’s relation to them. While this issue of the inclusion of the world religions was raised by some Council Fathers, outlined above, the speed of the expansion of the text in the final days of the third session, and the influence of Pope Paul VI’s imagery and structure, point to a document which was quickly compiled. The change in the document at the end of the third session was written, presented and voted on in fifty days. While section 4 of *Nostra Aetate*, concerning Judaism had been thoroughly discussed previously, we cannot say the same for the inclusion of Judaism in the larger structure of the human response to God. I would argue that the changing position and status of the text during the various sessions indicates that it was never clear where the subject of ‘Judaism’ should find its place. It means something different if a text finds itself alone, or is an adjunct to Ecumenism or even to the Church. Similarly, and most obviously, the document has a very different

³⁰⁸ A. BEA, *op. cit.*, p.166, “This Declaration might well be compared to the biblical grain of mustard seed. Originally it was my intention to make a short and simple statement on the relation between the Church and the Jewish people. But in the course of time, and particularly in the course of discussions in this Assembly, this seed, thanks to you, has almost grown into a tree, in which all the birds of the air are nesting. In a sense all the non-Christian religions find a place in it just as the present Pope included all non-Christians in this Encyclical Letter *Ecclesiam Suam*: ‘those who follow the religion of the Old Testament, Moslems and those who belong to the religions of Africa or Asia’”

³⁰⁹ A. BEA, *op. cit.*, p.168, “Its [the declaration] principles and spirit should inspire the lives of all Christians and all men, so that the dialogue explained by the Pope in the Encyclical *Ecclesiam Suam* may be begun.”

³¹⁰ For the influence of Paul VI on §3 on the Muslims, and specifically the Encyclical *Ecclesiam Suam*, see G. D’COSTA, *Vatican II: Catholic Doctrines and Jews and Muslims*, pp.185-193.

meaning when changed from being concerned with Judaism alone to placing Judaism within a wider framework. More than any other document, even the document on Religious Liberty, the development of *Nostra Ætate* was a political football. The antecedents to the final text were used again and again in the Arab/Jewish political conflict, Arab/Christian political reality, and even Catholic/Orthodox Church politics.³¹¹ In pointing to the confused development of the document, concerning its position, content, outside influence, and theological sources, I would argue that it is no surprise that *Nostra Ætate* would give rise to further problems. This was not a rigorously theologically discussed document, but one which, no matter how much Cardinal Bea said to the contrary, was weighed down by politics and, latterly, Papal influence. That a document on the world religions was presented to the Fathers, after a document on the Jews had been discussed, was yet another stage in the confusion.

2.2.2 The Meaning of the Text

In this section, I wish to look at the text of *Nostra Ætate*, and other relevant Vatican II documents.³¹² Although as stated, the mind of the author/s is important in the case of a disputed text, it is the text alone which is given authority when promulgated.³¹³ I will also examine Cardinal Bea's reflections on what *Nostra Ætate* says about the Jews and their relations with Christianity and other religions. I am aware that this is prioritising the interpretation of one individual, but for the reasons mentioned above, I believe this is justified in the case of Cardinal Bea.

The documents of Vatican II refer to Judaism in several places. The most significant is the Declaration on the relation of the Church to non-Christian Religions, *Nostra Ætate*, but there are also relevant sections in the Dogmatic Constitution on Divine Revelation, *Dei Verbum*; and the Dogmatic Constitution on the Church, *Lumen Gentium*. I will also briefly mention the Decree on the Church's Missionary Activity, *Ad Gentes*, though it makes no specific reference to Judaism. I do not wish to enter into a discussion of the relative theological importance of Dogmatic Constitutions, Decrees and Declarations. *Nostra Ætate*'s importance is not affected by its being a Declaration. While not being a Dogmatic Constitution, *Nostra Ætate* addresses a specific issue not addressed in a detailed way elsewhere, and as such, *Nostra Ætate* cannot simply be disregarded. Neither does its status subordinate

³¹¹ The Orthodox were concerned that the denial of 'deicide' opened Catholicism up to charges of Nestorianism.

³¹² For the connections between the relevant documents see M. RUOKANEN, *The catholic Doctrine of Non-Catholic Religions*, Leiden, 1992.

³¹³ By parallel we can see this in the controversy over the inclusion of the *Nota explicativa praevia*, in the relevant sections of G. ALBERIGO, & J. A. KOMONCHAK (EDS), *History of Vatican II*, vol. IV.

it to other conciliar documents.³¹⁴ For ease and practicality, I will consider all the documents of Vatican II in the same manner.³¹⁵

As we have seen, in its infancy, *Nostra Ætate* had first been concerned exclusively with Judaism, and then had included one brief mention of Muslims. The final form of *Nostra Ætate*, however, is a very different document. Although Judaism enjoys extensive treatment, it is no longer its central concern. The structure of *Nostra Ætate* follows a logical sequence with its sections related to each other; it contains an internal cohesion. Judaism is discussed in section 4. The first section of *Nostra Ætate* serves as an introduction to the document as a whole. Section 1 focusses on the fundamental questions of the human mind which sits at the heart of the human condition. The second section begins by categorising people according to their response to God, “a certain perception of that hidden power which hovers over the course of things and over the events of human history”.³¹⁶ While this response is the common desire of all people, *Nostra Ætate* addresses ‘religions... that are bound up with an advanced culture’.³¹⁷ The marks of this advanced culture are not identified. *Nostra Ætate* gives examples of the human response to this situation, specifically speaking of Hinduism and Buddhism, though *Nostra Ætate* does not purport to be exhaustive. In Hinduism ‘men contemplate the divine mystery and express it through an inexhaustible abundance of myths and through searching philosophical inquiry.’³¹⁸ In Buddhism, ‘it teaches a way by which men, in a devout and confident spirit, may be able either to acquire the state of perfect liberation, or attain, by their own efforts or through higher help, supreme illumination.’³¹⁹ *Nostra Ætate* states that there are ‘other religions found everywhere...’ and that ‘The Catholic Church rejects nothing that is true and holy in these religions [*Ecclesia catholica nihil eorum, quae in his religionibus*

³¹⁴ For a contrary view, see I. MORALI, ‘Salvation, Religion, and Dialogue in the Roman Magisterium’, in K. J. BECKER & I. MORALI (EDS), *Catholic Engagement with World Religions: A Comprehensive Study*, New York, 2010, p.126, “If it is true, then, that there are affirmations regarding doctrine in the declaration, the Acts in any case remind us that they recall that which had already been more extensively treated in the Dogmatic Constitution, within the framework of which the Declaration is to be read.” Also G. D’Costa, in G. D’Costa, P. KNITTER & D. STRANGE, *One Way to God? Three Christian Responses to the Uniqueness of Christ in a Pluralistic World*, London, 2011, p.26, “A ‘declaration’ has no dogmatic value but here acts as a commentary with examples on the dogmatic claims in *Lumen Gentium* 16.” Also G. D’Costa, *Vatican II: Catholic Doctrines and Jews and Muslims*, pp.53-55. I am not convinced that the Council Fathers wished to pit the importance and ‘truth’ of one document against another, nor do I believe that the subsequent influence of the documents accords to their title. The document *Inter Mirifica* on Social Communications, can scarcely be accorded a greater weight either during or after the council, than *Nostra Ætate* or *Dignitatis Humanae*, simply because it is a Decree and thus of higher importance than a mere Declaration.

³¹⁵ See W. KASPAR, ‘Reflection on the Decree on ecumenism of the Second Vatican Council “Unitatis redintegratio”’, 24th February, 2004, from http://www.vatican.va/roman_curia/pontifical_councils/chrstuni/card-kasper-docs/rc_pc_chrstuni_doc_20031110_unitatis-redintegratio_en.html. For a general overview of the relative importance of Vatican Documents, see A. DULLES, *Magisterium: Teacher and Guardian of the Faith*, Naples, Florida, 2007; and F. A. SULLIVAN, *Creative Fidelity: Weighing and Interpreting Documents of the Magisterium*, New York, 1996.

³¹⁶ *Nostra Ætate*, §2.

³¹⁷ *Loc. cit.*

³¹⁸ *Loc. cit.*

³¹⁹ *Loc. cit.*

*vera et sancta sunt, reicit.]]*³²⁰ The third section of *Nostra Ætate* moves from this broad category of various peoples' response to God and focusses on one religion, that of the Muslims. By dealing with them in a separate section, *Nostra Ætate* implies that they belong to a distinct group. The document describes the object of their devotion, God, in theology coming from Christianity, but in language and imagery which derives from Islam; 'They adore the one God, living and subsisting in Himself; merciful and all- powerful, the Creator of heaven and earth, who has spoken to men.'³²¹ The language used is specifically designed to translate well into Arabic.³²² *Nostra Ætate* avoids the complications which could arise from a connection between Islam and Abraham by saying that Abraham is the one 'with whom the faith of Islam takes pleasure in linking itself'.³²³ Had the document acknowledged a link between Abraham and Islam, then Islam would have been able to claim a historic validity from the Old Testament. As the Church struggles to define the relationship between historic, pre-Incarnation Judaism and Christianity, a further link between the historic, pre-Christian Abraham and a post-Christian Islam would raise even more complicated questions of revelation. *Nostra Ætate* cites both points of difference between Christianity and Islam, the most important being that 'they [Muslims] do not acknowledge Jesus as God, they revere Him as a prophet',³²⁴ and also other points of contact, such as the position of the Blessed Virgin, the belief in a final judgement and a resurrection from the dead. These sections which precede the discussion of Judaism are not lengthy; the Latin text of the first three sections contains 132 words, while the section concerning Judaism contains 421.

Having considered Islam, *Nostra Ætate* then turns to Judaism. Until this point, the document has been dealing with the way in which 'the Church examines more closely her relationship to non-Christian religions'³²⁵ by examining the 'certain perception of that hidden power which hovers over the course of things and over the events of human history'.³²⁶ The section on Judaism begins very differently. With Judaism, the Church is not looking outside herself at the common drives and desires of human beings and the way in which various religions have tried to meet them, but rather she looks at herself, and there she finds Judaism. 'As the sacred synod searches into the mystery of the Church [*Mysterium Ecclesiae perscrutans*], it remembers the bond that spiritually ties the people of the New Covenant to Abraham's

³²⁰ *Loc. cit.*

³²¹ *Nostra Ætate*, §3.

³²² Robert Caspar, one of the four experts on Islam in the secretariat asked to write the section on Islam. After the difficulty of the Vatican Radio's Arabic service of translating 'personal' in Arabic "We then asked ourselves how a Muslim would express the idea of a personal God in the language of the Qur'ân... so that when this Declaration is read to a Muslim in Arabic he is touched to the heart to find the divine names that he holds so dear.' R. CASPAR, 'Islam According to Vatican II', in *Encounter: Documents for Christian Muslim Understanding*, 1976, vol.2, pp.1-7.

³²³ *Nostra Ætate*, §3, '...ad quem fides islamica libenter sese refert'.

³²⁴ *Loc. cit.*

³²⁵ *Nostra Ætate*, §1.

³²⁶ *Nostra Ætate*, §2.

stock.’³²⁷ It is by self-examination, and not by looking at the other world religions that the Church seeks to define her relationship with Judaism. From looking outwards, the Church begins to look inwards. Indeed, the language used in this opening paragraph of section 4 speaks of this essential connection as a *vinculum*, a bond, tying together Judaism and Christianity. Judaism is referred to as ‘Abraham’s stock’. When speaking here of the new people of God, *Nostra Ætate* uses *Novi Testamenti*. Later, the document will use *Antiquum Foedus* for the covenant with the Jews. *Nostra Ætate* differentiates between the New Covenant and the Old Covenant by using two different terms, *testamentum* and *foedus*, however, this is not a general rule in other Vatican II Documents.³²⁸ Following the previous drafts of the document, *Nostra Ætate* links Christianity with the historical figures found in Judaism, ‘...her [the Church] faith and her election are found already among the Patriarchs, Moses and the prophets.’³²⁹ It places Christians, ‘Abraham’s sons according to faith’,³³⁰ in the history of salvation, and connects them with the Exodus. In doing this, *Nostra Ætate*, goes beyond saying that the people of the New Testament fulfil the Old, or even that the Old Testament is a prefiguring of the New. Rather, it reads the presence of the Church back into the historical events of the Jewish story. *Nostra Ætate* then makes a positive statement about Judaism, ‘The Church, therefore, cannot forget that she received the revelation of the Old Testament through [or ‘by way of’] the people with whom God in His inexpressible mercy concluded [or ‘established’] the Ancient Covenant.’³³¹ This ‘Ancient Covenant’ does not provide a formal definition of Judaism, rather the *Antiquum Foedus* is one way of describing the people whom God had chosen. This is the only use of *foedus* in *Nostra Ætate*. Section 4 continues by emphasising the kinship of the early Church and the Jews, first by quoting Romans, then by stating that Our Lady, the Apostles, and many in the early Church ‘sprang from the Jewish people’.³³² We can note in passing that the quotation from Romans differs in modern translations of the Vatican II text. The original Latin text quotes the Clementine version of the Vulgate, in use until 1979, ‘*et testamentum*’, singular: ‘the covenant’. Modern translations of the Conciliar texts use the current translation of the Nova Vulgata, ‘*et testamenta*’, plural: ‘the covenants’.³³³ As St Paul is not attempting to give a definition of Judaism concerning ‘covenant/s’, neither, I would contend, is *Nostra Ætate*. The connection between God and the Jews is not something which is restricted to the past, as ‘God holds the Jews most dear for the sake of their Fathers; He does not repent of the gifts He makes or of the calls He issues - such is the witness

³²⁷ Laurentin states that this comes from Cardinal Lercaro’s intervention. See R. LAURENTIN & J. NEUNER, *op. cit.*, p.59.

³²⁸ Although *Nostra Ætate* uses *foedus* for the Jews, it is used to refer to God’s covenant with the Church in *Lumen Gentium*, §6, ‘whom He unites to Himself by an unbreakable covenant [*quam sibi foedere indissolubili sociavit*].’

³²⁹ *Nostra Ætate*, §4.

³³⁰ *Loc. cit.*, ‘...Christifideles, Abrahæ filios secundum fidem’.

³³¹ ‘Quare nequit Ecclesia oblivisci se per populum illum, quorum Deus ex ineffabili misericordia sua Antiquum Foedus inire dignatus est, Revelationem Veteris Testamenti accepisse...’

³³² *Loc. cit.*, ‘Recordatur etiam ex populo iudaico natos esse Apostolos’, a better translation may be ‘were born out of the Jewish people’.

³³³ This raises fascinating questions for the stability of Conciliar texts. Either the text retains the older version of the Bible, which has been superseded, or the Conciliar text is changed. If the first, then in what sense is the new Biblical translation normative, and if the second, the documents of Ecumenical Councils can be changed.

of the Apostle.³³⁴ The links between God and the Jews are the specific promises that He made and the gifts that He gave. *Nostra Ætate* does not develop this theme, nor draw out its implications. There is no clear definition of who ‘the Jews’ are, though as the present tense is used here, *adhuc carissimi manent propter Patres*, it must refer to the present day.³³⁵ The text speaks of a future moment ‘known to God alone’, when Judaism and the Church will ‘serve him shoulder to shoulder’.³³⁶ *Nostra Ætate* then speaks of ‘the spiritual patrimony common to Christians and Jews’,³³⁷ placing Judaism in a much closer relationship to Christianity than the other world religions, though there is no real definition of what this ‘spiritual patrimony’ is. In guarding against a blanket condemnation of the Jews for the death of Christ, either then or now, the document defines the Church as the new people of God, but offers no definition of Judaism after the formation of the Church, ‘Although the Church is the new people of God, the Jews should not be presented as rejected or accursed by God, as if this followed from the Holy Scriptures.’³³⁸ The clear message is that the Scriptures do not speak of the Jews *qua* Jews as cursed or rejected. However, the point is made in a rather clumsy way, by first robbing the Jews of the title, ‘the people of God’. We must hold this together with the previous statement that the Jews are also *populum illum, quorum Deus ex ineffabili misericordia sua Antiquum Foedus inire dignatus est*. The section finishes with a rejection of anti-Semitism and a statement of the universal will of God that all people be saved.

What then does the Church, through *Nostra Ætate*, say about the Jews? First: Judaism finds its place in the context of other non-Christian religions. While Judaism is discussed extensively in *Nostra Ætate*, it is treated in the same manner as Islam, and even the more diffuse peoples who search for and sometimes find answers to the fundamental questions of life. While it is true that there are things in creation and even within religions which can draw the individual towards God, there is nothing within the overall system of *Nostra Ætate* which allows for positive revelation outside of the Church. *Nostra Ætate* does not present us with a genuine theological pluralism. Judaism, like Islam, Buddhism and Hinduism, may reflect the ‘ray of that Truth which enlightens all men’,³³⁹ but the internal content of these religions differs only in their proximity to Christianity. *Nostra Ætate* provides no statement that any one particular religion is outside this structure. Judaism, like the others, must find its orbit in relation to Christianity. This orbit may be closer to Christianity than other religions, but it remains an orbit nonetheless. However, the second conclusion I would draw is that at the same time the Declaration does something in opposition to this, namely that *Nostra Ætate* describes Judaism in a way which is

³³⁴ *Loc. cit.*, ‘Nihilominus, secundum Apostolum, Iudaei Deo, cuius dona et vocatio sine paenitentia sunt, adhuc carissimi manent propter Patres’.

³³⁵ Similarly, O. N. MOHAMMED, ‘Jewish-Catholic Relations from *Nostra Ætate* to the Present’, in M. ATTRIDGE (ED.), *Jews and Catholics together: Continuing the Legacy of Nostra Aetate*, Ottawa, 2007, p.51.

³³⁶ *Loc. cit.*, quoting Zephaniah 3.9.

³³⁷ *Loc. cit.*, ‘patrimonium spirituale Christianis et Iudaeis commune’.

³³⁸ *Loc. cit.*, ‘Licet autem Ecclesia sit novus populus Dei, Iudaei tamen neque ut a Deo reprobatum neque ut maledictum exhibeantur, quasi hoc ex Sacris Litteris sequatur’.

³³⁹ *Nostra Ætate*, §2.

fundamentally different from the other non-Christian religions. This is seen most clearly in the opening statements of section 4. When looking at herself, '*mysterium Ecclesiae perscrutans*', the Church finds the Jews. This is not the same as the other world religions already mentioned in *Nostra Aetate*. If the overarching system were to be followed, then the Church would look out at the world and continue her process of categorisation. Having looked at the religions in unadvanced civilizations; then the religions in advanced civilizations (Hinduism and Buddhism); then Islam as a monotheistic religion, it would follow that the next stage of proximity to the Church would be Judaism. However, the Church does not find Judaism by looking out at the world, rather she finds it when she looks at herself. It would have been perfectly possible to describe Judaism simply as one of the world religions in the same manner as the others. *Nostra Aetate* chooses not to do so. The locus of Judaism is not 'out there', but 'here' in the Church herself. A third conclusion comes from the language which *Nostra Aetate* uses to describe the relationship between Judaism and the Church, of it being a 'bond'. This is a complex idea. This bond is not simply a shared history, although there is a common spiritual patrimony, for such a bond would have no contemporary relevance. That two groups were connected in some way in the past does not mean that they have an on-going relationship. *Nostra Aetate* is clear that this bond has a present significance, for 'God holds the Jews most dear for the sake of their Fathers; He does not repent of the gifts He makes or of the calls He issues'. This bond comes from an intertwined identity and continues in the present. The Church reads herself back into the history of Israel. She does not annihilate this history, nor does she replace the Jews, rather the Church is 'mysteriously foreshadowed' in it. This spiritual bond is not present in the description of the other non-Christian religions, rather it is something particular to Judaism. The final point I wish to make concerns the use of the term 'covenant' in the section on the Jews. *Nostra Aetate* uses *foedus* only once, and that is specifically to describe the Jews in a historical setting. The term identifies the Jews in relation to the Old Testament Scriptures. The first term which is used in *Nostra Aetate* to refer to the Jews is 'Abraham's stock', and the beginnings of the Church's election and faith are linked to the Jewish figures of the Patriarchs, Moses and the prophets. *Nostra Aetate* continues to speak of the events and people which identify Judaism but from the Christian perspective. The Declaration does not use 'covenant' as a primary or important definition of Judaism, either historically or currently, nor does it use it as a bridge between Judaism and Christianity, connecting the two. This is important because covenant will eventually take on a role which it does not have in *Nostra Aetate*.

Two other conciliar documents specifically address Israel, the Jews and the covenant; *Lumen Gentium*, and *Dei Verbum*. The Constitution on the Church, *Lumen Gentium*, refers to Israel/Judaism/covenant in three sections; 2, 9, and 16. *Lumen Gentium* section 2 describes the roots of the Church in history. However, it is at pains not to limit the Church's existence to a specific period, and through the use of foreshadowings and prefigurations is able to project the Church back into history, before the Incarnation. This is where we find the reference to Israel, and the covenant, 'He planned to assemble in

the holy Church all those who would believe in Christ. Already from the beginning of the world the foreshadowing of the Church took place. It was prepared in a remarkable way throughout the history of the people of Israel and by means of the Old Covenant [*quae iam ab origine mundi praefigurata, in historia populi Israel ac foedere antiquo mirabiliter praeeparata.*]³⁴⁰ This gives Israel a privileged position, though one which is not unique. God was at work everywhere from the very beginning of creation, while He formed Israel at a specific point. *Lumen Gentium* then tracks the action of God from this general preparation, through the definitive act of the constitution of the Church, the ‘outpouring of the Spirit (*effuso Spiritu*)’.³⁴¹ Finally, at the end of time, all ‘from Abel the just to the last of the elect’ all will be gathered into the Church.³⁴² There is, then, a threefold movement; first the general call, ‘prepared in a marvellous way’, then the formal constitution of the Church, and finally the gathering at the end of time.

We find a more sustained treatment of the Jews in *Lumen Gentium* section 9. This is the beginning of Chapter II, ‘The People of God’, *De Populo Dei*. The argument is as follows; God desires not just the worship/conversion of the individual, but rather that a people come together ‘which acknowledges Him in truth and serves Him in holiness.’³⁴³ Instrumental in this process are the Jews, ‘He therefore chose the race of Israel as a people unto Himself. With it He set up a covenant. Step by step He taught and prepared this people, making known in its history both Himself and the decree of His will and making it holy unto Himself.’³⁴⁴ This covenant, however, was only ‘a figure of that new and perfect covenant [*foederis illius novi et perfecti, in Christo ferendi*], which was to be ratified in Christ’.³⁴⁵ This New Covenant, in the blood of Christ, binds the people together not by natural bonds, but by supernatural ones, ‘calling together a people made up of Jew and gentile, making them one, not according to the flesh but in the Spirit.’³⁴⁶ This now is constituted as the new People of God, *essetque novus Populus Dei*.³⁴⁷

Finally, *Lumen Gentium* mentions the Jews in section 16. Previously, section 14 had addressed the ‘Catholic Faithful’, and in section 15 those joined to the Church by baptism but who do not possess the faith in its entirety. *Lumen Gentium* section 16, concerning non-Christians, then begins, ‘Finally, those

³⁴⁰ *Lumen Gentium*, §2. The footnotes point to specific elements of the Old Covenant as prefigurements; St Cyprian, Epist. 64, 4, sees circumcision is a prefigurement of the resurrection on the eighth day.

³⁴¹ *Loc. cit.*

³⁴² *Loc. cit.*

³⁴³ *Lumen Gentium*, §9.

³⁴⁴ *Loc. cit.*, ‘Plebem igitur israeliticam Sibi in populum elegit, quocum foedus instituit et quem gradatim instruxit, Sese atque propositum voluntatis suae in eius historia manifestando eumque Sibi sanctificando.’

³⁴⁵ *Loc. cit.*, quoting Jeremiah 31.31-34.

³⁴⁶ *Loc. cit.*

³⁴⁷ *Loc. cit.*

who have not yet received the Gospel are related in various ways to the people of God.³⁴⁸ In this category, the Jews are mentioned first, because of the ‘covenants and promises’.³⁴⁹ The text references Romans 9.28-29, with language similar to *Nostra Aetate*, section 4. *Lumen Gentium* 16 then includes other religions, ‘*qui Creatorem agnoscunt*’.³⁵⁰ Among these, in the first place are Muslims, then those who seek the unknown God, and even those who ‘have not yet arrived at an explicit knowledge of God and with His grace strive to live a good life.’³⁵¹ The reversal of order in *Lumen Gentium* is of no real consequence as the process of categorisation is the same as we find in *Nostra Aetate*.

These sections of *Lumen Gentium* are interesting for a number of reasons. Sections 9 and 16 are both found in the chapter *De Populo Dei*. Although it is true that all religions are mentioned in section 16, the call of Israel and the position of the Jews is not merely described in the general way in which God calls all people to Himself. This is the system which is found in *Nostra Aetate*. Rather, Judaism is intimately wedded to the story of Christianity which breaks out of the ‘theoretical’ model of world religions. Were this not so, then Judaism needed only to be mentioned in chapter 16, and not in the previous chapter 9. There is an obvious difference in the links between Christianity and Judaism which extends Judaism from the section dealing with the world religions, and breaks into the nature of the Church herself. Also in *Lumen Gentium* we see a complex use of covenant imagery and language. Chapter 9 uses covenant as the identity marker of those whom God has called into a people,³⁵² but the covenant is not an end point. Rather, the sentence runs ‘*quorum foedus instituit et quem gradatim instruxit...*, with whom He instituted the (a) covenant and instructed step by step...’ The covenant may be a marker for Israel, but it is not the end of the process; it may be formative, but it is not definitive.

Turning to the Church’s document on Divine Revelation, *Dei Verbum* section 3 places historic Israel in the context of God’s revelation to the world. In the divine plan of salvation, after the Fall, God called Abraham, and then Moses and the prophets, so that the world could be prepared for the Saviour.³⁵³ Here

³⁴⁸ *Lumen Gentium*, §16, ‘*Ita tandem qui Evangelium nondum acceperunt, ad Populum Dei diversis rationibus ordinantur.*’ I do not intend to enter into the discussion surrounding the term ‘*ordinatur*’, however see G. D’COSTA, *Vatican II: Catholic Doctrines and Jews and Muslims*; J. DUPUIS, *Toward a Christian Theology of Religious Pluralism*, New York, 1998, pp.348-349; E. T. GROPE, ‘Revisiting Vatican II’s Theology of the People of God after Forty-Five Years of Catholic-Jewish Dialogue’, in *Theological Studies*, 72, 2011, pp.600ff.

³⁴⁹ *Lumen Gentium*, §16, ‘*In primis quidem populus ille cui data fuerunt testamenta et promissa.*’ Although this is influenced by the Biblical text, it does not follow the Clementine text of Romans 9.4, which reads ‘*quorum adoptio est filiorum, et gloria, et testamentum, et legislatio, et obsequium, et promissa.*’ The Fathers have chosen to use the term *testamenta* (plural), as opposed to *testamentum* or *foedus*.

³⁵⁰ *Loc. cit.*

³⁵¹ *Loc. cit.*, ‘*Nec divina Providentia auxilia ad salutem necessaria denegat his qui sine culpa ad expressam agnitionem Dei nondum pervenerunt et rectam vitam non sine divina gratia assequi nituntur.*’

³⁵² *Loc. cit.*, ‘*Plebem igitur israeliticam Sibi in populum elegit, quocum foedus instituit et quem gradatim instruxit.*’

³⁵³ *Dei Verbum*, §3, ‘*Suo autem tempore Abraham vocavit, ut faceret eum in gentem magnam (cf. Gen 12,2-3), quam post Patriarchas per Moysen et Prophetas erudit ad se solum Deum vivum et verum, providum Patrem et iudicem iustum agnoscendum, et ad promissum Salvatorem expectandum, atque ita per saecula viam Evangelio praeparavit.*’

there is no mention of the Jews or Judaism, but the language used clearly refers to them. The only covenant mentioned is with Christianity, 'The Christian dispensation, therefore, as the new and definitive covenant, will never pass away and we now await no further new public revelation before the glorious manifestation of our Lord Jesus Christ'.³⁵⁴ *Dei Verbum* addresses the covenant with the Jews in section 14, when it considers the Old Testament.

First He entered into a covenant with Abraham (see Gen. 15:18) and, through Moses, with the people of Israel (see Ex. 24:8). To this people which He had acquired for Himself, He so manifested Himself through words and deeds as the one true and living God that Israel came to know by experience the ways of God with men. Then too, when God Himself spoke to them through the mouth of the prophets, Israel daily gained a deeper and clearer understanding of His ways and made them more widely known among the nations (see Ps. 21:29; 95:1-3; Is. 2:1-5; Jer. 3:17). The plan of salvation foretold by the sacred authors, recounted and explained by them, is found as the true word of God in the books of the Old Testament: these books, therefore, written under divine inspiration, remain permanently valuable.³⁵⁵

The covenants with Abraham and Moses attached Israel to God, so that they could be formed by His presence and action. God gave positive teaching through the prophets, which in turn changed Israel and made her a more effective witness to the nations. In this process, the books of the Old Testament gain a permanent validity. This passage is designed to give the Old Testament a theological place in the economy of salvation and to protect it from any attempt to marginalise it. However, in the process, it described the covenants with Abraham and Moses as instrumental in bringing Israel together and forming her as a people, so that God could reveal Himself to her and shape her for His purposes in the world. The use of the covenants is to constitute the people, to be the bearers of God's revelation.

Finally, I wish to mention *Ad Gentes*. While this document, which describes the Missionary activity of the Church, makes no mention of Judaism, this is itself important. If missionary activity is universal, which the document clearly purports, then if a group of people were to be exempted, they would have to be named. God desires that all people come to salvation, and this comes through Christ alone, 'Therefore, all must be converted to Him, made known by the Church's preaching, and all must be incorporated into Him by baptism and into the Church which is His body.'³⁵⁶ Although there is the theological caveat for these who are culpably ignorant, salvation still comes through Christ and His Church.³⁵⁷ *Ad Gentes* teaches that the Gospel must be preached to all who have not heard it, and that it is necessary for salvation. This includes Judaism. There are no distinctions made in *Ad Gentes* between non-Christian religions.

³⁵⁴ *Dei Verbum*, §4, 'Oeconomia ergo christiana, utpote foedus novum et definitivum, numquam praeteribit, et nulla iam nova revelatio publica expectanda est ante gloriosam manifestationem Domini nostri Iesu Christi.'

³⁵⁵ *Dei Verbum*, §14.

³⁵⁶ *Ad Gentes*, §7.

³⁵⁷ *Loc. cit.*, 'Etsi ergo Deus viis sibi notis homines Evangelium sine eorum culpa ignorantes ad fidem adducere possit, sine qua impossibile est Ipsi placere...'

Within the documents of Vatican II, then, we can see that the people of Israel are called together by God so that He can make manifest His saving will for the world, and prepare the world for the Incarnation. One of the identifying features of this call of Israel is the covenants with Abraham and Moses, and the teaching of the prophets. These covenants are part of the prefigurement of the New Covenant in Christ. Being formed and taught as a people brought about a change in Israel, as they became holy for God, and recipients of the promises to which He is faithful. It is from them that the Apostles and early Christians came, and from them and the Gentiles that the New People of God were formed. God's covenants with Israel are part of this process, but are not the defining characteristic.

In the final part of this section, I wish to turn to Cardinal Bea and his reflections on *Nostra Ætate*. From the outset, Cardinal Bea recognises the limitations of the Declaration.

Various statements released to the press after the promulgation of the Declaration, especially those emanating from Jewish sources, while recognising the great value of the document also emphasised that its beneficial effects would largely depend upon the degree to which it was fully understood, assimilated and put into practice.³⁵⁸

Nostra Ætate could not, of itself, reform or change the experience of Catholic/Jewish relations. It could mark the beginning of a new relationship, but this would necessarily develop and change through time. Cardinal Bea, knowing that *Nostra Ætate* was fundamentally a one-sided document, by the Church and for the Church, projected its importance into the future, when *Nostra Ætate* must be '...fully understood, assimilated and put into practice.' These are important ideas. The full implications of *Nostra Ætate* depend on these three elements: comprehension, assimilation, and implementation. Cardinal Bea was reacting to the expectations raised not only within Judaism, but also within the secular world. He correctly cautions that this document would only find its fulfilment so far as these three elements were realised: first we need to know what the document says, and then once we know this, we can allow it to find its place in the corpus of Catholic teaching, influencing or changing other parts as it goes. Once this has happened, then *Nostra Ætate* can be put into practice. *Nostra Ætate* is not the final stage, in fact it is only the beginning of a larger endeavour. The document has first to be understood, then find its place in a wider Catholic theology.

I wish to present two other elements of Cardinal Bea's theology in *The Church and the Jewish People*. I have chosen these because they show certain specific problems which come from *Nostra Ætate*. The first I will mention only in passing, the second I will examine in more detail.

³⁵⁸ A. BEA, *op. cit.*, New York, 1966, p.7.

The first is the identity of the Jews in *Nostra Aetate*. We can see this was an issue from the very beginning of the conciliar discussions. Even from the *Decretum de Iudaeis*, the Arab countries believed that such a document would legitimise the existence of the Jewish state. Whereas the Church was always at pains to emphasise that she was speaking about historic Israel, and was engaged only in Christian theology, this was never believed in certain Arab quarters. For them, there were clear modern-day implications. They connected the Jews of history with the Jews of the political State of Israel. The *Decretum de Iudaeis*, and subsequent developments of it, tried to avoid all language or statements along these lines. In the relatio on the schema of November 1963, Cardinal Bea states clearly that ‘There is no national or political question here.’ There was an attempt to thwart this identification of the Israelites/Jews of the time of Christ and the present day emerging Jewish state, in two different ways. First, as already mentioned, the language of race and politics was avoided, and second, the language only ever explicitly referred to the ‘Biblical’ or ‘Old Testament’ Jews. Cardinal Bea states

The term [the Jewish People] indicates, therefore, those descendants of Abraham whom God chose for himself and constituted as the people of Israel, with whom he concluded an alliance, slowly educating them and revealing himself and his salvific designs to them in the course of their history – and all this in preparation for the coming of Christ and the redemption of mankind.³⁵⁹

Bea thus says that he is only dealing with historical people up to and including the coming of Christ. He does this by using historic reference points, the ‘descendants of Abraham’, together with a teleological view of history, within which the Jews play a part. The Arabs, however, were right, not in the sense that the document legitimised the State of Israel, but that there was an underlying, unresolved question of the relationship between the ‘historic’ Jewish people, so defined, and present day Judaism. It is impossible to speak only of the Jews “whom God chose for himself and constituted as the people of Israel” and ignore their connection with modern Judaism. Cardinal Bea was aware of this, as he stated,

Another series of difficulties which the Council document is likely to encounter – and, perhaps in even greater measure, the present commentary – concerns the members of the Jewish people itself. Clearly this book is written just as much *directly* for them as for Christians.³⁶⁰

Bea quite clearly moves from Judaism in the history of Christian revelation, to modern Judaism. This is essential when we remember that Cardinal Bea believed that *Nostra Aetate* was something to be understood, assimilated and put into practice. The present-day implications of *Nostra Aetate* could only be realised if they were addressed to modern Judaism. While Cardinal Bea knew that there would be some problems from the Jewish side in hearing *Nostra Aetate*, such as the orientation of the ‘Jewish Scriptures’ to Christianity, and the fear of conversion, still in this section of *The Church and the Jewish*

³⁵⁹ *Ibid.*, p.10.

³⁶⁰ *Ibid.*, p.17.

People, Cardinal Bea addresses the ‘particular Jew’, a ‘class of Jew’, our ‘Jewish brethren’, and ‘the Jewish people as a whole’, without ever addressing the basic question of how they relate to historic Judaism outlined in *Nostra Aetate*. Cardinal Bea knew that the two were connected or else why would his modern Jewish audience even care about the Declaration of the Catholic Church, ‘It [*Nostra Aetate*] speaks to Christians about the Jews, and is therefore of the greatest interest to the latter.’³⁶¹

The second issue I wish to consider, arising from Cardinal Bea, is the relationship of Judaism to the other world religions. *Nostra Aetate* is quite clear, by its title and treatment of Judaism within its overall structure, that Judaism is one of the categories of people who are searching for God. However, at the same time, the document is at pains to stress exclusive connections between Judaism and Christianity. This, I would argue, is the tension which is at the heart of *Nostra Aetate*. What does it mean if we say that Judaism is one among the many religions? The links between Catholicism and Judaism, the patriarchs, prophets, historical revelation, the covenant etc., which are stressed in *Nostra Aetate* give an identity to Judaism within the Christian story which prioritises Judaism. At the same time, by placing Judaism in the orbit of the world religions, *Nostra Aetate* denies, or at best downplays, this prioritisation. Cardinal Bea confirms this,

...in speaking of the unity of the whole human family, our document [*Nostra Aetate*] points to the unity in God as the indestructible foundation on which it rests: all men come from God, our creator, we journey back to him as our final goal, and on this journey we are the objects of his providence and his gracious guidance.³⁶²

Bea says that all people come from God and share the common characteristic of being created by Him. It is the common nature of humanity that all people seek God and respond to His ‘providence and gracious guidance’. Within this general movement of people to God, there are specific actions or moments, and for Bea, this is the locus of Judaism. It is in the Old Testament that we find the particular nature of Judaism as the recipient of specific revelation which distinguishes it from undifferentiated mankind. This revelation, however, is not for the Jews alone, but is rather destined for all mankind, and so is universal in nature. The Jews are those who receive it and promulgate it. This is not ‘their’ revelation, as they are the conduits of God’s message. Ultimately this will be fulfilled in the coming of Christ. For Bea, Judaism is firmly one of the non-Christian religions, albeit one with a very specific role. This safeguards for him the privileged position of Christianity in God’s revelation, but also raises the issue of the position of the Jewish people vis-à-vis the revelation of which they are the messengers. We cannot accuse Cardinal Bea of countenancing ‘Israel forgetfulness’ which defines Judaism in utilitarian terms, and which, once her purpose is finished, removes her from participation in God’s saving acts.³⁶³ Yet we can see how the strict interpretation of the telos of Judaism being Christ could

³⁶¹ *Ibid.*, p.17.

³⁶² *Ibid.*, p.31.

³⁶³ See R. K. SOULEN, *The God of Israel and Christian Theology*, Minneapolis, 1996.

lead to such a theology. Cardinal Bea states that ‘...[*Nostra Ætate*] does not speak of the Church as receiving this or that from the Jewish people, but through them from God...’³⁶⁴ The Council Fathers were keen to stress that the true recipient of God’s revelation in the Old Testament was in fact the Church, not Judaism. Thus, such language as ‘through’ the Jewish people, and not ‘from’ the Jewish people was employed. If the Church received anything ‘from’ Judaism, then it could be inferred that this was something which Judaism possessed and could give. However, if it came ‘through’ Judaism, then it never really belonged to her. Cardinal Bea’s intention is not to make a point at Judaism’s expense, but rather to preserve Christianity’s exclusive claims as the end point of historical revelation. In fact, Bea is unlikely to fall into such an obvious trap because, although he accords her a very specific and honourable position, Cardinal Bea does not prioritise Judaism at all. The fundamental identity of Judaism finds its true place in the overall movement of God to mankind, and mankind to God, as outlined in *Nostra Ætate*,

As far as other non-Christian religions are concerned, we trust that our remarks will serve to show that the recognition of the special relationship between the Church and the Jewish people in no way implies any less genuine esteem on her part for all non-Christian religions, or any less profound respect for those who profess them, still less any diminution in her determination to safeguard and promote all that each possesses of truth and holiness. In fact, the section of the document dealing with the Jews is simply a particular case to which its general principles are applied, as will emerge from the pages that follow.³⁶⁵

Here Cardinal Bea simultaneously asserts the ‘special relationship’ between Christianity and Judaism, while upholding Judaism’s essential connection with the non-Christian religions. Judaism is not being prioritised or placed into any special category. Inasmuch as her identity has been formed by the message she carried in the Old Testament (prophets, patriarchs, covenants etc.) so she finds herself in a different orientation to Christianity, but orientation does not imply a fundamentally different relationship. Bea attempts to hold in tension the particular relationship of Judaism to Christianity and the general relationship of Judaism and the non-Christian religions by placing Judaism outside Christianity, while being orientated towards it through the Old Testament. It seems unlikely that this represents a developed theology, given that this final form of *Nostra Ætate* was written in such a short period of time. The problem for Cardinal Bea was not elevating Judaism from the amorphous mass of undifferentiated non-Christian religions, but rather that having once placed Judaism resolutely outside Christianity he had to enlarge the role of the non-Christian religions so that they were not diminished in comparison to Judaism. Judaism, now declared primarily as one of the religions, could not be given too much emphasis at the expense of Muslims, Buddhists etc. The real innovation was that the non-Christian religions had any positive elements at all, not that Judaism had been specifically used by God. The latter was a given, the former had to be emphasised. Cardinal Bea had to describe Judaism in terms of her role in the

³⁶⁴ A. BEA, *op. cit.*, p.64.

³⁶⁵ *Ibid.*, pp.49-50.

revelation to Christianity, while affirming that her essential character was more similar to the non-Christian religions than to Christianity. Judaism had to be depressed so that the others could rise. Thus we can find statements which stress the functional nature of Judaism,

Evidently it is true that the Jewish people is no longer the people of God in the sense of an *institution for the salvation of mankind*. The reason for this, however, is not that it has been rejected, but simply that its function in preparing the kingdom of God finished with the advent of Christ and the founding of the Church.³⁶⁶

The twofold process of defining Judaism, both in opposition to Christianity, and in relation to the other non-Christian religions, is difficult. *Nostra Ætate* calls for “collaboration” with world religions, but does not do so in the section on Judaism. Cardinal Bea stated that the Declaration was silent on the matter of collaboration between Christianity and Judaism because it was so obvious that it did not need to be mentioned, ‘In point of fact the Declaration does not mention collaboration in the course of its remarks on relations between Jews and Christians, possibly because its primary purpose was to emphasise how much closer Christianity is to Judaism than to any other religion, on account of the very rich and extensive common heritage which they both share.’³⁶⁷ Reading a specific meaning into silence is a dangerous game, even for a player of Cardinal Bea’s standing. For him, there was no denigration of Judaism, because for the first time the Catholic Church had addressed Judaism at an official level. Of course, this was equally true at the beginning of the process, but by the end, *Nostra Ætate* was addressing every religion on an official level. Subsequent generations, however, could misinterpret his statements and draw different conclusions from them. Perhaps a final quotation from Cardinal Bea can illustrate this.

...nothing finer and more complimentary can be said of the Jewish people than that it was chosen to be the intermediary – only an intermediary, it is true, but a real one – for the transmission through Christ, the foremost of Abraham’s progeny, of so great a blessing to the whole human race.³⁶⁸

Here the elevation and depression of Judaism in relation to Christianity can be seen. Judaism does not even have the distinction of being a genuine non-Christian religion, responding with the innate nature of human beings, ‘From ancient times down to the present, there is found among various peoples a certain perception of that hidden power which hovers over the course of things and over the events of human history; at times some indeed have come to the recognition of a Supreme Being, or even of a Father.’³⁶⁹ Rather Judaism has a role as an intermediary, ‘...only an intermediary, it is true...’, for another religion.

³⁶⁶ *Ibid.*, p.96.

³⁶⁷ *Ibid.*, p.132.

³⁶⁸ *Ibid.*, p.144.

³⁶⁹ *Nostra Ætate*, §2.

Thus, from Cardinal Bea's reflections on *Nostra Aetate*, we can see a number of issues which would need to be addressed in subsequent documents. The first is that *Nostra Aetate* is not complete, but needs to be expanded and put into practice. Cardinal Bea also indicates that the identity of the Jews, and also Judaism's relationship both to Christians and other non-Christian religions, needs to be clarified. Together with Cardinal Bea, we may say that *Nostra Aetate* points beyond itself to further documents and clarifications which will bring about the dialogue and implementation which is its purpose. We will see in the following section that this comes about in the documents issued in the wake of the Second Vatican Council.

Before we turn to these documents, however, let us pause for a moment to assess the position of 'covenant' in *Nostra Aetate*. There is no doubt that it is present both there and in other conciliar documents, but the term is used in a complex way in relation to the Scriptures, the New Covenant in Christ, the formation of the people of Israel and their role in preparing the world for the Incarnation. Covenant is not used as the defining marker for the Jews before Christ, and the identity of the Jews after Christ is not addressed. In wider terms, the relationship of Judaism with Christianity on the one hand, and with the world religions on the other is unresolved. Inasmuch as Judaism is considered in *Nostra Aetate*, which deals with the world religions, and is covered in the blanket ordinances of the Church's mission to the world, Judaism is simply to be identified as one religion among many. However, in the language used about her, and in the images employed in describing her relationship to Christianity, Judaism's connections to Christianity are stressed over and over again. It is not 'out there' that the Church finds the Jews, but 'in here', when the Church looks at herself.

2.3 The Further Developments of *Nostra Ætate*

It should not be expected that one single document from an Ecumenical Council could provide a fully formed theology of the relationship between Catholicism and the Jews. *Nostra Ætate* did not develop out of the pre-conciliar consultation, and the document's growth and development was neither steady nor certain. The very nature of the production of *Nostra Ætate*, as I have shown, was fraught with external difficulties and influences outside the Council, as well as discussions about the place of Judaism and the world religions within the Council itself. Also, we should not forget that this was the first theological document about the relationship of Judaism and Christianity. If *Nostra Ætate* developed within a very particular set of historical circumstances within the Council, rather than from mature theological reflection and a theological corpus, then it should come as no surprise that *Nostra Ætate* would not be the final word, or even a definitive statement, on Jewish/Catholic relations.³⁷⁰ There is no suggestion within the conciliar documents that *Nostra Ætate* would provide an encompassing or conclusive pronouncement on the subject. Indeed, I would argue that the formation of the text, the inclusion of the other religions, the framework taken from Pope Paul VI, together with the speed of the penultimate revision of *Nostra Ætate* all argue against viewing *Nostra Ætate* as a mature deliberation on the identity of Judaism with relation to the Catholic Church.³⁷¹

This is exactly what we have found in the statements of Cardinal Bea about the incompleteness of *Nostra Ætate* concerning Judaism. We cannot infer that this was the deliberate intention of the Council Fathers, unlike Willebrands, who claims that “[t]he text was deliberately rendered simple and generic: it is a text cadre as they say in French, a framework”.³⁷² It is impossible to predict the future life of any document after its promulgation, and in the case of other conciliar documents, such as *Inter Mirifica*, on social communications, its ongoing influence has been limited. However, both the subject matter of *Nostra Ætate*, and particularly its statements on the Jews, as well as the ‘unresolved’ nature of the text itself, meant that both the broader subject of the world religions’ relationship with Christianity, and the more focused subject of Judaism, would have to be addressed at some point. *Nostra Ætate* almost

³⁷⁰ J. WILLEBRANDS, *Church and Jewish People*, p.41. Willebrands, the secretary of the Secretariat for Promoting Christian Unity and later President of the Pontifical Council for Promoting Christian Unity from 1969-1989, gives an interesting twist to this position. He reasons that there must have been problems between Judaism and Catholicism in the first place, for if there were not then there would have been no need to try to overcome them. The very fact, however, that they had been overcome, shows that they were the correct issues and it was the correct time.

³⁷¹ The tension of the position of Judaism in relation to both Catholicism on the one hand and the ‘other’ world religions on the other can be inferred from Paul VI’s homily at the promulgation of the decree. Quoted from J. WILLEBRANDS, *op. cit.*, p.7, “May this manifestation of the enhanced beauty of the face of the Catholic Church be considered by the followers of the other religions, above all by those united with us by the fatherhood of Abraham, especially the Jewish people [*maxime Hebraei*], today no longer the object of reprobation and suspicion but of respect love and hope.” Willebrands correctly states that this means that when thinking of the Jews, the Muslims and other world religions cannot be forgotten.

³⁷² *Ibid.*, p.15.

demanding further explicatory documents. This is the starting point of the statements which follow *Nostra Aetate*, and which seek to develop and clarify the relationship between Judaism and Catholicism.³⁷³ In this section I shall mainly focus on the four documents of the Commission for Religious Relations with the Jews.³⁷⁴ They are: “Guidelines and Suggestions for Implementing the Conciliar Declaration ‘Nostra Aetate’ (n.4)”, promulgated on 1st December, 1974, hereafter *Guidelines*; “Notes on the correct way to present the Jews and Judaism in preaching and catechesis in the Roman Catholic Church”, promulgated on 24th June, 1985, hereafter *Notes*; “We Remember: A Reflection on the Shoah”, promulgated 16th March, 1998, hereafter *We Remember*; and “The Gifts and Calling of God are Irrevocable (Rom 11.29): A reflection on Theological Questions Pertaining to Catholic-Jewish Relations on the Occasion of the 50th Anniversary of ‘Nostra Aetate’ (no.4)”, promulgated 10th December, 2015, hereafter *Gifts*.

I also wish to make a specific mention of one other text, as it is relevant to this issue of Judaism and Catholicism.³⁷⁵ In 2000, the Congregation for the Doctrine of the Faith issued the Declaration “*Dominus Iesus*: on the Unicity and Salvific Universality of Jesus Christ and the Church” which, although it will not be discussed in great depth, nonetheless cannot be ignored. Also, I will depart from using only the documents of the official Vatican departments to incorporate certain speeches of Pope John Paul II. Although the Popes from Paul VI onwards have all contributed to modern relations between Catholics and Jews, Pope John Paul’s statements and particularly the language and vocabulary that he used, have been highly influential in the post conciliar official texts.

I will consider the texts in chronological order, with John Paul II’s statements coming immediately after the first document: thus I will proceed in the following manner, *Guidelines*, certain statements of John Paul II, *Notes*, *We Remember*, *Dominus Iesus*, then finally, *Gifts*. I shall try to limit myself to issues concerning ‘covenant’,³⁷⁶ but as we shall see, in the later documents, other issues will have to be addressed. The first three Commission documents, *Guidelines*, *Notes* and *We Remember*, although they contribute to certain specifics which arose from both *Nostra Aetate*, and the Jewish/Catholic dialogue

³⁷³ See A. DULLES, ‘The First Covenant with Israel’, in *First Things*, 157, November 2005, p.16, “The Second Vatican Council, while providing a solid and traditional framework for discussing Jewish-Christian relations, did not attempt to settle all questions. In particular, it left open the question whether the Old Covenant remains in force today.”

³⁷⁴ Although Bishops’ conferences have issued their own statements concerning the Jews, these do not constitute teaching on the universal level of the Catholic Church. They are interesting in themselves, but, coming as they do from the particular needs and history of their geographical locations, are outside the scope of this work.

³⁷⁵ Although not included for discussion here, see also the Pontifical Biblical Commission’s 2001 document, “The Jewish People and their Sacred Scriptures in the Christian Bible”. Although this document addresses the issue of covenant, it does not advance the argument. See in particular, §§37-42, 58-59, 79. While raising the questions of the election of Israel and her final salvation, the document leaves the discussion in the air.

³⁷⁶ An extensive and detailed examination of the change in vocabulary and terms used from *Nostra Aetate*, through *Guidelines*, to *Notes*, can be found in E. FISHER & L. KLENICKI, (EDS), *In Our Time: The Flowering of Jewish-Catholic Dialogue*, New Jersey, 1990, pp.19-24.

which followed it, neither advance nor propose a systematic theology of Catholicism's relationship to Judaism. I will consider them in turn, but concentrate on the final document *Gifts*, as it seems to provide answers to the fundamental questions which have been raised in the past fifty or so years.

Guidelines, as its introductory note states, 'does not propose a Christian theology of Judaism'. Rather it places *Nostra Aetate* as the turning point in the vast swathe of history. This connected the beginnings of Christianity to Judaism through 'faith and divine cult', followed by a long period of growing estrangement to an enduring situation of alienation.³⁷⁷ *Nostra Aetate*, in *Guidelines*, marks the moment when this position of estrangement ceases and dialogue can begin. *Guidelines* reflects on the intervening nine years since the promulgation of *Nostra Aetate*, and proposes 'concrete suggestions' which arose during the intervening period. This dialogue was to happen through a greater awareness of the other, specifically 'they [Christians] must strive to learn by what essential traits the Jews define themselves in the light of their own religious experience.'³⁷⁸ Here we can see an expansion of the issues which the Council fathers had considered; namely the identity of the Jews. This document moves from historic Israel to the present-day. This movement allows for the possibility of the Church's theology of God's covenant with the Jews to be liberated from a restricted, historical perspective to something current, and present within Judaism. By being grounded in, and springing from, the practical situation of the dialogue between Jews and Christians since Vatican II, *Guidelines* naturally locates its partners in that dialogue, namely modern day Jews, and reads them into the text of *Nostra Aetate*. However, whereas *Guidelines* clearly identifies the present community of the Jews and addresses it at certain points,³⁷⁹ its sphere of reference is overwhelmingly historical. Although *Guidelines* does not explicitly join current Judaism with 'Old Testament' Judaism, it rules out a crude, replacement supersessionism.³⁸⁰ In this it validates its partner in dialogue "...above all, [in] respect for his faith and his religious convictions".³⁸¹ Here, covenant has no substantial place. Following *Dei Verbum*, God speaks through the old Covenant, but this is in the context of the Old and the New Testament.³⁸² The issue is not so much 'covenant' but rather the relationship between the two Testaments. *Guidelines* gives a slightly different meaning to

³⁷⁷ *Guidelines*, Preamble, "Although Christianity sprang from Judaism, taking from it certain essential elements of its faith and divine cult, the gap dividing them was deepened more and more, to such an extent that Christian and Jew hardly knew each other."

³⁷⁸ *Loc. cit.*

³⁷⁹ *Nostra Aetate* §4, "...what happened in His passion cannot be charged against all the Jews, without distinction, then alive, nor against the Jews of today."; "...the Church, mindful of the patrimony she shares with the Jews and moved not by political reasons but by the Gospel's spiritual love, decries hatred, persecutions, displays of anti-Semitism, directed against Jews at any time and by anyone." Also, the present-day promotion "...of biblical and theological studies as well as of fraternal dialogues".

³⁸⁰ *Guidelines*, III, Teaching and Education, "The history of Judaism did not end with the destruction of Jerusalem, but rather went on to develop a religious tradition. And, although we believe that the importance and meaning of that tradition were deeply affected by the coming of Christ, it is still nonetheless rich in religious values."

³⁸¹ *Guidelines*, I, Dialogue.

³⁸² *Guidelines*, III, Teaching and Education.

Dei Verbum by modifying the language it uses.³⁸³ Christianity is connected to the faith of the ‘old Covenant’ through the fulfilled promises brought about through the Incarnation.³⁸⁴ The call of Christianity to proclaim the faith, her ‘divine mission’, remains.³⁸⁵ It is fair to say that covenant is not an issue which *Guidelines* addresses to any great extent. It is a practical document which picks up on some of the issues raised in *Nostra Ætate*. However, it does not advance the theology of covenant nor does it address any of the underlying tensions raised by the text.

I shall now turn to certain statements of John Paul II. The reason for inserting them here is that the most far reaching and significant of them, from the Pope’s allocution to the Jewish community at Mainz, delivered on 17th November 1980, is quoted in the text of *Notes*, which reads

The Holy Father has stated this permanent reality of the Jewish people in a remarkable theological formula, in his allocution to the Jewish community of West Germany at Mainz, on November 17th, 1980: “the people of God of the Old Covenant, which has never been revoked”.³⁸⁶

This phrase, ‘...the Old Covenant, which has never been revoked’, increasingly attains a position of central importance, and by its inclusion in the document from the Commission for Religious Relations with the Jews, it is elevated from the level of a mere Papal allocution. In his presentation of *Notes*, on 24th June 1985, Cardinal Jorge Mejía stated that “...the text [*Notes*] is and remains a document of the

³⁸³ *Guidelines*, II, Liturgy, reads “An effort will be made to acquire a better understanding of whatever in the Old Testament retains its own perpetual value (cf. *Dei Verbum*, 14-15), since that has not been cancelled by the later interpretation of the New Testament.” I have added the emphasis. The comparison is made with *Dei Verbum* §14, which reads “perennem valorem servant”. Although there is no Latin text of *Guidelines* available, ‘perennem valorem’ does not have the strength of ‘perpetual value’. The usual English translation of this section of *Dei Verbum* is ‘remain permanently valuable’. This difference is upheld in the Italian of *Dei Verbum* and *Guidelines* (‘conservano valore perenne’ and ‘conserva un valore proprio ed eterno’ respectively) and in French (‘conservent une valeur impérissable’ and ‘garde une valeur propre et perpétuelle’ respectively). As *Guidelines* does not claim to quote the conciliar text, there is no misrepresentation, however, as we will see, there is a great difference between things which have a ‘perpetual value’ and those which are ‘permanently valuable’.

³⁸⁴ *Guidelines*, II, Liturgy, “We believe that those promises were fulfilled with the first coming of Christ. But it is none the less true that we still await their perfect fulfilment in his glorious return at the end of time.” This could be interpreted as allowing for an eschatological coming together of Judaism and Christianity which will be examined below.

³⁸⁵ *Guidelines*, I, Dialogue. The document tries to hold together this essential element of Christianity and the historical experience of the Jews. I do not find the appeal to *Dignitatis Humanae* convincing as there should never have been any coercion involved in the presentation of the faith. This principle, coming from Gregory the Great, is an element of Catholicism, even when it was not upheld by members of the Church. Religious Liberty, even as it is defined by Vatican II, does not preclude mission. Much more difficult is the question of a true dialogue, here defined as “demand[ing] respect for the other as he is; above all, respect for his faith and his religious convictions”, which would not include a missionary desire by the Christian. It would seem to be impossible to have ‘true’ dialogue with a Christian where that Christian does not want the conversion of the other to Christianity. To do so would not respect the Christian’s ‘religious convictions’. We will see this problem raised below. See G. D’COSTA, *Vatican II: Catholic Doctrines and Jews and Muslims*, Oxford, 2014, and ‘What Does the Catholic Church Teach about Mission to the Jewish People’, in *Theological Studies*, 73, 3, 2012, 590-613, for a defence of the mission to the Jews in the conciliar documents.

³⁸⁶ *Notes*, I, 3.

Catholic Church.”³⁸⁷ The Cardinal makes this statement, however, because of the manner of its production, namely the involvement and consultation of Jewish groups, rather than a statement on its relative authority with regard to other documents. However, while these Commission documents are not conciliar, or in any sense *de fide*, they carry more theological weight than a speech or statement.

John Paul II’s personal commitment to Judaism and the Jewish/Catholic dialogue arose out of his personal experience as a young man in Poland during the Second World War and continued throughout his pontificate.³⁸⁸ Pope John Paul II at various times addressed many Jewish groups, or those concerned with Jewish/Christian dialogue, and one of his abiding concerns was a clear and unequivocal condemnation of anti-Semitism.³⁸⁹ This can be seen in his address at the visit to the Synagogue in Rome.³⁹⁰ Although such statements did much to condemn anti-Semitism, the related question of the responsibility of the Catholic Church as an institution with regards to anti-Semitism and the lead up especially to World War II, was not resolved. Together with his semi-official statements, John Paul went out of his way to address Jews and Jewish communities on his many travels and to foster an atmosphere of fraternal relations.

Pope John Paul II also provided a richer theological background to Catholic/Jewish relations by the language and vocabulary which he used.³⁹¹ Before coming to the phrase ‘the Old Covenant, which has never been revoked’, I would like to consider another phrase which John Paul II used earlier than his address at Mainz, and which can be found in his other speeches. Just five months after his election, Pope John Paul gave an address to the Representatives of Jewish Organisations in Rome,³⁹² in which he said, “Thus it [*Nostra Aetate*] understood that our two religious communities are connected and closely related at the very level of their respective religious identities.” I do not intend, here, to present

³⁸⁷ Quoted from INTERNATIONAL CATHOLIC-JEWISH LIAISON COMMITTEE, *Fifteen Years of Catholic-Jewish Dialogue 1970-1985: Selected Papers*, Vatican, 1988, p.315.

³⁸⁸ See among others, C. BERNSTEIN & M. POLITI, *His Holiness: John Paul II and the Hidden History of our Time*, London, 1996; D. O’BRIEN, *The Hidden Pope*, New York, 1998; E. ZOLLI, *Before the Dawn*, San Francisco, 2008.

³⁸⁹ For an alternative view of John Paul II’s condemnation of anti-Semitism, see I. S. MINERBI, ‘Pope John Paul II and the Jews: An Evaluation’, in *Jewish Political Studies Review*, 18, 2006, 15-36. See also the later document ‘The Church and Racism: Towards a more Fraternal Society’ issued by the Justice and Peace Commission, 10th February, 1989, in E. J. FISHER & L. KLENICKI, *Anti-Semitism is a Sin: A Discussion of the document The Church and racism: Towards a More Fraternal Society*, New York, 1990.

³⁹⁰ http://w2.vatican.va/content/john-paul-ii/it/speeches/1986/april/documents/hf_jp-ii_spe_19860413_sinagoga-roma.html, §3, “Yes, once again, through myself, the Church, in the words of the well-known Declaration *Nostra Aetate* (No. 4), ‘deplores the hatred, persecutions, and displays of anti-Semitism directed against the Jews at any time and by anyone’; I repeat: ‘by anyone’.”

³⁹¹ See also E. J. FISHER, ‘A Commentary on the Texts: Pope John Paul II’s Pilgrimage of Reconciliation’, in E. J. FISHER & L. KLENICKI, (EDS), *Spiritual Pilgrimage: Texts on Jews and Judaism 1979-1995 of John Paul II*, New York, 1995, pp.xx-xxxix for a detailed assessment of various areas of John Paul II’s contribution. See also, P. A. CUNNINGHAM, ‘Official Ecclesial Documents to Implement the Second Vatican Council on Relations with Jews: Study Them, Become Immersed in Them, and Put Them into Practice’, in *Studies in Christian Jewish Relations*, Vol. 4, No. 1 (2009), pp.21-25 for a survey of Pope John Paul II’s statements.

³⁹² JOHN PAUL II, *John Paul II on Jews and Judaism: 1979-1986*, Washington, 1987, pp.23-26, delivered on 12th March, 1979.

a theological reflection on what it means to be ‘connected and closely related’ on an almost ontological level, but merely to track the use of this forceful and vibrant description. This image is given more force by its repetition, and indeed by direct quotation, in other speeches.³⁹³ In a sense it is given its deepest expression in the speech of 1986 in the Synagogue in Rome, when the Pope wished to stress the essential nature of the relationship between Jews and Christians,

The first is that the Church of Christ discovers her ‘bond’ with Judaism by ‘searching into her own mystery’ (cf. *Nostra Aetate*, no.4). The Jewish religion is not ‘extrinsic’ to us, but in a certain way is ‘intrinsic’ to our own religion. With Judaism therefore we have a relationship which we do not have with any other religion. You are our dearly beloved brothers and, in a certain way, it could be said that you are our elder brothers.³⁹⁴

Here John Paul puts forward a connection on the level of identity which has implications for the relation of one religion with the other. Although using the term ‘elder brother’ is problematic, it conveys the essential ties between the religions.³⁹⁵ This language is found in many of John Paul II’s statements and shows the way in which he uses certain phrases more than once, often quoting his own words in later speeches.

It is against this background that I wish to place John Paul II’s comments at Mainz. This allocution was given in 1980, and the section dealing with covenant needs to be quoted in full. It comes in a part of an allocution concerning dialogue between Judaism and Catholicism.

The first dimension of this dialogue [between the two great religions, Christianity and Judaism], that is, the meeting between the people of God of the Old Covenant, never revoked by God (cf. Rom 11:29), and that of the New Covenant, is at the same time a dialogue within our Church, that is to say between the first and the second part of her Bible.³⁹⁶

When read in full, and in context, Pope John Paul is not making a new statement about the abiding validity of the covenant with the Jews. His image comes from Romans 11, which is developed by paralleling it to the relationship between the Old and the New Testaments. The most obvious interpretation is that Pope John Paul was here simply quoting the scriptural references found in *Nostra*

³⁹³ For example, to the Jewish community in Battery Park, JOHN PAUL II, *op. cit.*, p.27, 3rd October, 1979; to a meeting with Jews in Paris on 31st May, 1980, JOHN PAUL II, *op. cit.*, pp.29-31; in Rome, on 6th March 1982, pp.37-40.

³⁹⁴ *Ibid.*, p.37.

³⁹⁵ For a historical overview of the issue, see G. D. COHEN, ‘Esau as symbol in Medieval Thought’, in G. D. COHEN, *Studies in the Variety of Rabbinic Cultures*, Philadelphia, 1991, 243-270; A. SCHREMER, *Brothers Estranged: Heresy, Christianity, and Jewish Identity in Late Antiquity*, Oxford, 2010. For the wider discussion of the ‘parting of the ways’ see J. D. G. DUNN (ED.), *Jews and Christians: the parting of the ways*, Cambridge, 1999; A. H. BECKER & A. YOSHIKO REED (EDS), *The Ways That Never Parted: Jews and Christians in Late Antiquity and the Early Middle Ages*, Minneapolis, 2007; A. F. SEGAL, *Rebecca’s Children: Judaism and Christianity in the Roman World*, Cambridge Massachusetts, 1986. For Pope Benedict XVI’s clarification of the issue see BENEDICT XVI, *Light of the World*, London, 2010, p.82.

³⁹⁶ JOHN PAUL II, *op. cit.*, pp.33-36.

Ætate §4. Inasmuch as Mainz adds nothing to either the New Testament or Vatican II, it would have been perfectly possible for this reference to have left no impression. However, this phrase became the basis for new claims for the unrevoked covenant. I would contend that this was not in the mind of John Paul at Mainz in 1980. Indeed this seems to be confirmed by the Pope's own use of his speech at Mainz. In a speech to the Anti-Defamation League of B'nai B'rith at Rome in 1984, John Paul quoted this exact passage of his Mainz speech, but did not refer to covenant at all.³⁹⁷ John Paul did refer to his image of being connected at the very level of being in later statements, but he did not do so with his Mainz statement until much later, once it had been codified in *Notes*.

By the time *Notes* was published in June 1985, the phrase 'the Old Covenant, which has never been revoked' had been taken from the speech at Mainz, and now began to take on a life of its own. The phrase was quoted to the Pope by Rabbi Mordecai Waxman in October 1985, and in November 1986 at Sydney, when Pope John Paul said "...our attitude to the Jewish religion should be one of the greatest respect, since the Catholic faith is rooted in the eternal truths contained in the Hebrew Scriptures, and in irrevocable covenant made with Abraham."³⁹⁸ Further statements followed in Pope John Paul's speeches which referred to covenant, but the term was not used in a clear way. Nowhere does he make the statement that the covenant that God made with the Jews is still operative.³⁹⁹ There is an obvious danger of taking short statements out of context, and giving them an importance which goes beyond their original meaning. There is a related problem of then giving such snippets an authority which they do not claim for themselves.⁴⁰⁰ With this in mind, and notwithstanding its use in *Notes*, we should not

³⁹⁷ *Ibid.*, pp.51-52, "...the encounter between Catholics and Jews is not a meeting of two ancient religions each going its own way, and not infrequently, in times past, in grievous and painful conflict. It is a meeting between 'brothers', and dialogue, as I said to the Representatives of the German Jewish community in Mainz (17 November 1980), 'between the first and second part of the Bible'. And as the two parts of the Bible are distinct but closely related, so are the Jewish people and the Catholic Church."

³⁹⁸ *Ibid.*, pp.95-97.

³⁹⁹ Quotations from E. J. FISHER & L. KLENICKI, (EDS), *Spiritual Pilgrimage: Texts on Jews and Judaism 1979-1995* of John Paul II, New York, 1995. At Miami, 11th September 1987, "It is fitting at the beginning of our meeting to emphasize our faith in the one God, who chose Abraham, Isaac, and Jacob, and made with them a covenant of eternal love which was never revoked [cf. Gen. 27:13; Rom. 11:29]." At Strasbourg, 9th October 1988, "That [Malachi 2.10] is the message of faith and truth of which you are the bearers and witnesses throughout history, in the light of God's word and Covenant with Abraham, Isaac, and Jacob and all his descendants..." At Brasilia, 15th October 1991, "This common root also makes us love this people because, as the Bible says, 'The Lord has loved Israel forever' [1 Kings 10:9], he has made a covenant with it which has never been broken, placing it in the messianic hope of the whole human race." Although such statements attest to the validity of the covenant with the Patriarchal Fathers of Judaism, Pope John Paul stops far short of making any statement in the sense in which it is often used by dual-covenant theologians.

⁴⁰⁰ What we can say is that the other speeches of the Pope give an inconsistent message. For example, on 23rd February 2000, "In the faith of Abraham almighty God truly made an eternal covenant with the human race, and its definitive fulfilment is Jesus Christ." L. BOADT & K. DI CAMILLO (EDS), *John Paul II in the Holy Land: in his own words*, New York, 2005, while other speeches seem to advance the abiding reality of God's covenantal relationship with the Jews, "This people perseveres in spite of everything because they are the people of the Covenant, and despite human infidelities, the Lord is faithful to his Covenant", John Paul II, 'To a Symposium on the Roots of Anti-Semitism', 31st October 1997, at http://w2.vatican.va/content/john-paul-ii/en/speeches/1997/october/documents/hf_jp-ii_spe_19971031_com-teologica.html

accept that Pope John Paul II made any definitive statements concerning the covenant with the Jews. Later in his pontificate, the Pope references his own speech at Mainz more often, but this is after the publication of *Notes*, and after the phrase ‘covenant never revoked’ has taken on a life of its own. It does not seem at all likely that John Paul II intended to make a specific contribution to the question of the nature of covenant for modern day Judaism, from the viewpoint of Catholic theology, when he made his speech at Mainz. What we will see, however, is that this phrase, taken out of its original context, has been used to that end ever since.

Notes, issued in 1985, follows from *Nostra Aetate*, and *Guidelines*, is indebted to Pope John Paul II. Although *Notes* quotes the Mainz speech, it draws much more extensively from the speech delivered at Rome on 6th March 1982.⁴⁰¹ *Notes*, however, does not develop the idea of the covenant never revoked, from the speech at Mainz, and indeed does not seem to be very concerned with the issue of the covenant. We should not be too surprised as the document concerns the manner in which Jews and Judaism are portrayed in teaching and catechesis. This is a practical, rather than a theological, document. For my purpose, *Notes* does not propose a development in ‘covenant’, but rather strengthens the continuing importance of Judaism for Christianity,⁴⁰² and gives the Jews a continuing, specific role in God’s salvific will for the world. This role continues after the coming of Christ and the foundation of the Church. The relevant statement is at the beginning of the section ‘Judaism and Christianity in History’,

The history of Israel did not end in 70 A.D. (cf. *Guidelines*, II). It continued, especially in a numerous Diaspora which allowed Israel to carry to the whole world a witness - often heroic - of its fidelity to the one God and to “exalt him in the presence of all the living” (Tobit 13:4), while preserving the memory of the land of their forefathers at the hearts of their hope (Passover Seder).⁴⁰³

This simple statement, that the history of Israel continues after 70 AD, subtly side-lines a theological view that could claim that the Jews as individuals or as a racial entity continued, while the history of Israel ceased to exist. Of course, *Notes* does not say that the Jews continue to be bearers of the promises of the Old Testament covenant as a religious group, but rather that present day Jews must find their identity precisely in the history of Israel of which the document speaks. *Notes* reinforces the position that it is incorrect to think that the Jews continue as a sign of God’s punishment of the people who rejected Him, as certain theological arguments had proposed, but rather that the Jews continue from their historical roots in their “fidelity to the one God and to ‘exalt him in the presence of all the living’.”⁴⁰⁴ The exact role of Judaism from a Catholic perspective is unclear. However, *Notes* rules out

⁴⁰¹ JOHN PAUL II, *op. cit.*, pp.37-40, To the Delegates to the Meeting of Representatives of Episcopal Conferences and Other Experts in Catholic-Jewish Relations.

⁴⁰² Namely, to understand parts of the Church’s life, *Notes*, I, 3; to aid dialogue, *Notes*, I, 4; the interpretation of the Bible, *Notes*, II, 7; common social purpose, *Notes*, II, 11.

⁴⁰³ *Notes*, VI, 1.

⁴⁰⁴ It is still possible, however, to interpret *Notes* in a way which points to fulfilment in Christ. See L. Klenicki, in E. J. FISHER & L. KLENICKI (EDS), *In Our Time: The Flowering of Jewish-Catholic Dialogue*, New Jersey, 1990,

the view that Judaism and Christianity could “be seen as two parallel ways of salvation”.⁴⁰⁵ One way in which *Notes* tries to deal with the Judaism/Christianity relationship is to place the resolution in the eschaton, with the coming/second coming of the Messiah.⁴⁰⁶ The continuing unclarity of *Notes* when viewed from the perspective of the Jewish covenant is well summed up by Dr Geoffrey Widoger,

And here lies one of the basic ambiguities of the document [*Notes*]. ‘The people of God of the Old Covenant, which has never been revoked’ is its initial premise. This would seem, at the least, to affirm the existence of two covenants, valid side by side. Is the first Covenant still valid in its totality? If the Jews were chosen to prepare the coming of Christ, what is their role after his coming? Have they an independent existence within their own view of their Covenant or do they remain solely to somehow give potential witness to Christ and the Parousia?⁴⁰⁷

If then we take *Notes* as another stage in the development of Jewish/Catholic theology from the perspective of ‘covenant’ then we can say that it introduces the language of Pope John Paul II, specifically ‘covenant never revoked’, into the corpus of the dialogue texts. Although we must say that *Notes* does not really advance the theology to any great extent, it canonises this idea of covenant, so that it may be picked up and used in a wholly new manner, as we shall see below.

The next document the Commission for Religious Relations with the Jews published was *We Remember*, on 16th March 1998. The background to the document can be read in the presentation by Cardinal Cassidy at its promulgation.⁴⁰⁸ It came out of a commitment made by Pope John Paul II in 1987 to address the horrors of the Shoah. In many ways, this had been the glaring omission from the Vatican documents up to this point. *Nostra Aetate* existed because the world and the world’s press would not allow the issue to be side-lined in 1964. Before this, it had been the will of Pope John XXIII which kept Judaism on the Council’s agenda. This in turn had been prompted by the meeting between Pope John and Jules Isaac, who had begun his work during and as a result of the horror of the Shoah, and its direct impact on his own family. The Shoah was the catalyst which brought *Nostra Aetate* about, even if the ante-preparatory documents of the Council were largely unaware of it. Collective western guilt, which *We Remember* rightly identifies, was the predominant motivation for a reassessment of Judaism,

p.88, “Thus the definitive meaning of the election of Israel does not become clear except in the light of a complete fulfilment (Romans 9-11) and an election in Jesus Christ...”

⁴⁰⁵ *Notes*, I, 7.

⁴⁰⁶ *Notes*, II, 10, “Furthermore, in underlining the eschatological dimension of Christianity we shall reach a greater awareness that the people of God of the Old and the New Testament are tending towards a like end in the future: the coming or return of the Messiah - even if they start from two different points of view. It is more clearly understood that the person of the Messiah is not only a point of division for the people of God but also a point of convergence...”

⁴⁰⁷ G. WIDOGGER, ‘A Jewish Reaction to the *Notes*’, in INTERNATIONAL CATHOLIC-JEWISH LIAISON COMMITTEE, *Fifteen Years of Catholic-Jewish Dialogue 1970-1985: Selected Papers*, Vatican, 1988, p.263.

⁴⁰⁸ For a more detailed background to the formation of the document, see A. DULLES, ‘Commentary by Avery Dulles, S. J.’ in A. DULLES, *The Holocaust, Never to be Forgotten: Reflections on the Holy See’s Document ‘We Remember’*, New York, 2001, 47-72.

both within and without religious circles.⁴⁰⁹ This document, *We Remember*, is the Catholic Church's response. While *We Remember* advances certain ideas, notably placing Catholic involvement in the Shoah as a personal, individual response against a background of 'anti-Judaism',⁴¹⁰ it says nothing new about the relationship of Judaism and Catholicism.⁴¹¹ The document makes the statement "While bearing their unique witness to the Holy One of Israel and to the Torah, the Jewish people have suffered much at different times and in many places",⁴¹² which places God and Torah side by side, but it is in the context of their Jewish identity and persecution rather than advancing any theological argument. *We Remember* is concerned with the response that the Church must feel too the Shoah. To address the theological question of Catholic/Jewish relations in its pages would have been out of place.

From the documents issued by the Commission concerned with the Jews, we turn now to *Dominus Iesus* which was issued by the Congregation for the Doctrine of the Faith, bearing the subtitle "on the Unicity and Salvific Universality of Jesus Christ and the Church" clearly stating the area and subject matter that it wishes to address. *Dominus Iesus* comes out of the essential missionary activity of the Church,⁴¹³ and the corresponding threat and challenge to that activity. One place where this is seen, according to *Dominus Iesus*, is the replacement of 'mission' with 'dialogue'. *Dominus Iesus* states that dialogue is not a replacement for mission, but rather finds its place within mission.⁴¹⁴ The document does not seek to present a complete position on the subject but rather "... [to] refut[e] specific positions that are erroneous or ambiguous."⁴¹⁵ Thus it comes from a concern about mission, and its purpose is to refute error. *Dominus Iesus* is clear as to the target which it has in its sights, namely "The Church's constant missionary proclamation is endangered today by relativistic theories which seek to justify religious pluralism, not only *de facto* but also *de iure* (or in principle)."⁴¹⁶ Thus *Dominus Iesus* is not concerned with Judaism in

⁴⁰⁹ *We Remember*, II, "Historians, sociologists, political philosophers, psychologists and theologians are all trying to learn more about the reality of the Shoah and its causes."

⁴¹⁰ *We Remember*, IV. The lack of repentance on the part of the Church as an organisation has been a criticism of the document. Rabbi Leon Klenicki, reflecting the amount of time it had taken from the Pope's original speech and the final publication of *We Remember*, says "We Remember: A Reflection on the Shoah is a disappointment to the Jewish community, which waited eleven years for this document." L. KLENICKI, 'Commentary by Rabbi Leon Klenicki' in A. DULLES, *op. cit.*, p.42.

⁴¹¹ Interestingly the document does not quote the speech at Mainz, though Rome 1982, and John Paul's visit to the Synagogue in 1986 are both referenced. *We Remember*, V, draws on the language of *Nostra Aetate*, and 'elder brothers' to describe the relationship between Judaism and Catholicism.

⁴¹² *We Remember*, II.

⁴¹³ *Dominus Iesus*, §2, "This explains the Magisterium's particular attention to giving reasons for and supporting the evangelizing mission of the Church, above all in connection with the religious traditions of the world."

⁴¹⁴ *Loc. cit.*, "Inter-religious dialogue, which is part of the Church's evangelizing mission..." An accurate idea of mission can be found in the PONTIFICAL COUNCIL FOR INTER-RELIGIOUS DIALOGUE, *Dialogue and Proclamation*, 1991, §§ 4 (c), 78-79.

⁴¹⁵ *Dominus Iesus*, §3.

⁴¹⁶ *Dominus Iesus*, §4.

itself, but only inasmuch as it comes within the orbit of religious pluralism.⁴¹⁷ *Dominus Iesus* mentions Judaism only once,

It was in the awareness of the one universal gift of salvation offered by the Father through Jesus Christ in the Spirit (cf. *Eph* 1:3-14), that the first Christians encountered the Jewish people, showing them the fulfilment of salvation that went beyond the Law and, in the same awareness, they confronted the pagan world of their time, which aspired to salvation through a plurality of saviours.⁴¹⁸

Dominus Iesus is not a treatise on Judaism, indeed the ‘faith’ of the Jews is not mentioned, merely the encounter with the Jewish people. One reading of this passage could place the encounter of Christianity and Judaism on a par with the proclamation to the pagans. However, it cannot be that *Dominus Iesus* gives the same importance and theological weight to the Law in the Old Testament, and the search for salvation by the pagans through ‘a plurality of saviours’. This would go against both *Nostra Aetate* and the other documents which followed the Council. I stress this not to exclude Judaism from *Dominus Iesus*, but to warn against thinking of *Dominus Iesus* as a document which specifically addresses Judaism. I would further argue that *Dominus Iesus* actually preserves the confused position of Judaism with relation to Catholicism by not making a distinction between the religious texts of world religions, and the religious texts of Judaism;⁴¹⁹ by not making any clear definition of the element of ‘public revelation’ in Judaism;⁴²⁰ and by not making any clear statement on the place of Judaism in the economy of God.⁴²¹ However, the fact remains that *Dominus Iesus* does not exclude Judaism from its message.

⁴¹⁷ Here I broadly follow G. D’Costa’s argument for the paucity of reference to Judaism. See ‘Christian Orthodoxy and Religious Pluralism: A response to Terrence W. Tilley’, in *Modern Theology*, 23:3, 2007, p.443.

⁴¹⁸ *Dominus Iesus*, §13.

⁴¹⁹ In *Dominus Iesus*, §8, the position of the text of other religions is made clear: “The hypothesis of the inspired value of the sacred writings of other religions is also put forward. Certainly, it must be recognized that there are some elements in these texts which may be *de facto* instruments by which countless people throughout the centuries have been and still are able today to nourish and maintain their life-relationship with God.” This is paralleled to the Scriptures of the Church, “The Church’s tradition, however, reserves the designation of *inspired* texts to the canonical books of the Old and New Testaments, since these are inspired by the Holy Spirit.” This must include the Jewish Scriptures. It is not as if God gave parallel texts to the Jews and the early Church, one of which was inspired while one of which was not.

⁴²⁰ *Dominus Iesus* §5 states that “The Christian dispensation, therefore, as the new and definitive covenant, will never pass away, and we now await no further new public revelation before the glorious manifestation of our Lord Jesus Christ (cf. 1 Tim 6:14 and Tit 2:13)” On the one hand this statement’s point of reference is after the revelation of Christ, until the end of time. This would preclude either revelation within Christianity expanding the Church from her historical/physical boundaries, such as some ecclesial communities may claim (see *Dominus Iesus* §§16, 17), or revelation from without, in the world religions. Judaism, however, requires no public revelation for its own internal coherence. The revelation which it possesses is not only its own, but is also an essential part of Christianity.

⁴²¹ *Dominus Iesus* parallels distinctions which are made between the Logos and the historical Jesus of Nazareth (*Dominus Iesus*, §9); the economies of the Eternal Word and the Incarnate Word (*Dominus Iesus*, §10) and the action of the Spirit of God active in the world, and the Spirit active in Christ (*Dominus Iesus*, §12). The document argues against any interpretation which could lead to there being a separate stream or source of salvation apart from the action of God through Christ and His Church. But within Christianity, Judaism is specifically ordered by God, through His salvific economy, to the coming of Christ in a way which is simply different from other religions or responses to God.

By not being excluded from it, Judaism must be included in both the missionary activity of the Church, and in the theological dangers which the document addresses.

The target of *Dominus Iesus*, then, is relativistic pluralism, and the challenges that following such a theological argument would pose to normative Christianity. *Dominus Iesus* does not attempt to provide a theology of world religions, including or excluding Judaism.⁴²² Faced with the rise of the influence of pluralism and the lack of mission, the document answers certain questions, concerning both world religions and ecclesial communities. Thus, taking into account the ambiguities which I have pointed out in the text, I see *Dominus Iesus* as continuing to place Judaism within the world religions, and so we have a continuation of the confused position of Judaism, stemming from *Nostra Aetate*, with no advancement in the theology of Christianity and Judaism.

2.3.2 The Gifts and Calling of God are Irrevocable

The final document to date of the Commission for Religious Relations with the Jews was issued on 10th December 2015, on the 50th anniversary of *Nostra Aetate*. “The Gifts and Calling of God are Irrevocable (Rom 11.29): A reflection on Theological Questions Pertaining to Catholic-Jewish Relations on the Occasion of the 50th Anniversary of ‘Nostra Aetate’ (no.4)”, is by far the most significant document about the Jews issued by the Vatican after *Nostra Aetate*, and is “arguably the most substantive and multilayered Church statement on Jewish-Christian relations composed by any ecclesiastical body since the Second World War.”⁴²³ Reaction to *Gifts* has been quite extraordinary. According to some commentators, *Gifts* seems to have solved all of the questions and problems which had been raised in Catholic/Jewish relations, ever since the Vatican turned its mind to the issue of the Jews in the days before the calling of the Second Vatican council. By ending any hint of supersessionism, and proclaiming the covenant between God and the Jews which began in the Old Testament as ‘irrevocable’, and thus, in some sense, still operative, *Gifts* proclaimed that mission to the Jews was over. This was the initial reception of the document by both media and scholars alike.⁴²⁴

⁴²² However, for an alternative view, see W. KASPAR, ‘*Dominus Iesus*’, 2001; ‘The Good Olive Tree’, in *America*, September 17, 2001, 12-14; F. A. SULLIVAN, ‘Vatican II and the Postconciliar Magisterium on the Salvation of the Adherents of Other Religions’, in J. L. HEFT, (ED.), *After Vatican II: Trajectories and Hermeneutics*, Cambridge 2012, p.92. Also the ongoing arguments between Kaspar and A. DULLES, ‘Covenant and Mission’, in *America*, October 21, 2002, 8-11.

⁴²³ P. A. CUNNINGHAM, ‘Gifts and Calling: Coming to Terms with Jews as Covenantal Partners’ in *Studies in Christian Jewish Relations*, Vol. 12, No. 1 (2017), <https://ejournals.bc.edu/ojs/index.php/scjr/article/view/9796/8605>

⁴²⁴ “Catholics should not try to convert Jews, Vatican says”, BBC News, December 10, 2015, <http://www.bbc.com/news/world-europe-35061357>; “Vatican Says Catholics Should Not Try to Convert Jews”, New York Times, December 10, 2015, https://www.nytimes.com/2015/12/11/world/europe/vatican-says-catholics-should-not-try-to-convert-jews.html?_r=1; “Vatican says Catholics should not try to convert Jews, should fight anti-semitism”, Reuters, December 10, 2015, <http://www.reuters.com/article/us-pope-jews-idUSKBN0TT1BK20151210>

If this was true, then the temptation might be to shake the dust off one's feet and believe that the issue had now been solved and a new chapter in Catholic theology written. All that is left to do was to tidy up around the edges and the whole sorry situation could be put behind us. This interpretation is problematic because it ignores the testimony of the document itself. In the preface, *Gifts* makes clear its own status: "The text is not a magisterial document or doctrinal teaching of the Catholic Church, but is a reflection prepared by the Commission for Religious Relations with the Jews on current theological questions that have developed since the Second Vatican Council."⁴²⁵ The magisterial document to which it refers is, of course, *Nostra Aetate*, and *Gifts* by its own admission, does not offer any new teaching beyond the Conciliar Document, declaring itself 'a reflection' not on *Nostra Aetate*, but on the questions which have come about since 1965.⁴²⁶ If the document is not of the magisterium, we may well ask whose document it is. It comes, of course, from the Commission, but we can easily see the hand and theology of those who were intimately involved in Catholic/Jewish dialogue during the period between *We Remember* and *Gifts*. Foremost among these is Cardinal Walther Kaspar, and Cardinal Koch, who was the president of the Commission at the time of its publication.⁴²⁷ However, no matter how developed the views of individual theologians are, we must keep in mind that *Gifts* does not think of itself as an endpoint but rather as standing in the history of Catholic-Jewish Dialogue. "It [Gifts] is intended to be a starting point for further theological thought with a view to enriching and intensifying the theological dimension of Jewish-Catholic dialogue."⁴²⁸ *Gifts* assumes that there is more theological reflection to be done on the issues which have been raised. One question which will become apparent, however, and we do well to raise immediately, is whether *Gifts* envisages theological reflection on the base issue of the relationship of Judaism to Catholicism, or the secondary issue of the correct interpretation of *Nostra Aetate*, or even the derivative new ideas which come from *Gifts* itself. If we assume that the main 'problem' of Judaism and Catholicism is more or less settled with the document, then all that is left is this third level of discussion. In this view, the problems within *Nostra Aetate* are solved, and all that is left is either a historical commentary on the Conciliar text, or discussion on the new ideas and images which come from *Gifts* itself. However, as I will now argue, *Gifts* overreaches itself in certain areas while failing to resolve the fundamental problems which I have outlined above, and which in fact have existed since the very creation of *Nostra Aetate* itself.

⁴²⁵ *Gifts*, Preface.

⁴²⁶ *c.f. Gifts*, §38.

⁴²⁷ P. A. CUNNINGHAM, 'Gifts and Calling: Coming to Terms with Jews as Covenantal Partners', "The document regularly draws upon phrases, often without citation, written by the CRRJ's last two presidents, Cardinals Walter Kasper and Kurt Koch." I will try to identify the original contexts of phrases found in *Gifts*, as they are cited in my text.

⁴²⁸ *Gifts*, Preface.

In its Preface, *Gifts* identifies four areas which it intends to discuss.⁴²⁹ However, I wish to focus on only two of them, namely the relationship of the covenants, and the question of the evangelisation of the Jews. The first, the issue of the covenant/s, encapsulates the question of the historical and current nature of Judaism, and the second, evangelisation, is a kind of weather-vane of the presumptions behind Catholic/Jewish dialogue. To understand *Gifts* fully, however, we will have to try to see what foundational assumptions it rests upon. I will first look at the way *Gifts* uses texts, and the theological position which comes from them, and then consider the way in which the document constructs a historical reality which is in accord with its theological vision. Then, before looking at the two issues which I have highlighted, I will examine the overarching view of Judaism within the world religions which *Gifts* presents. This comes from the foundational assumptions on which the document is based, and feeds into the subjects of covenant and evangelisation.

If we look at *Gifts*' use of texts, we can see that its exegesis of Biblical passages presupposes the conclusions which it wishes to draw.⁴³⁰ This is most clearly seen when the document discusses the Letter to the Hebrews in section 18. If the Council Fathers' prolonged discussion of Biblical texts shows anything, it was that Scripture is seldom clear or univocal. *Gifts*, in order to disavow any trace of 'replacement theory' in Scripture, provides a quick and easy interpretation of the Letter to the Hebrews.⁴³¹ If Hebrews is not concerned at all with "the contrast of the Old and New Covenants as we understand them today, nor a contrast between the Church and Judaism",⁴³² then the text of Hebrews is stripped of at least part of its most fundamental imagery. Although the phrase 'as we understand them today' may liberate the authors of *Gifts* from a strict textual exegesis, *Gifts*' reading of Hebrews does not take into account the biblical author's concern with the link between covenant and Old Testament cultic practice, which is central to his understanding of the identity of the nascent Church, Judaism and the role of Christ.⁴³³ This interpretation of Hebrews is not as clear as *Gifts* implies, unless, of course, you begin with the conclusion that you wish to prove, namely the rejection of supersessionism, and then work backwards to the text. Even this basic interpretation of Hebrews, the rejection of supersessionism, is questioned by Biblical Scholars.⁴³⁴ Similarly, *Gifts*' use of tenses in the following quotation, "That

⁴²⁹ *Loc. cit.*, '...the relevance of revelation, the relationship between the Old and the New Covenant, the relationship between the universality of salvation in Jesus Christ and the affirmation that the covenant of God with Israel has never been revoked, and the Church's mandate to evangelize in relation to Judaism.'

⁴³⁰ Note also the use of *Nostra Aetate*. *Gifts*, §39, makes the important clarification that certain ideas are not found in *Nostra Aetate*, but nonetheless presents them as self-evidently true. This will be discussed below.

⁴³¹ This section is almost entirely reproduced from W. KASPAR, 'The Relationship of the Old and the New Covenant as One of the Central Issues in Jewish-Christian Dialogue', of 2004. There is also concern the denial of a substitution supersessionism.

⁴³² *Gifts*, §18.

⁴³³ For the interconnection of these themes, see S. LEHNE, *The New Covenant in Hebrews*, Sheffield, 1990, especially pp.93-117. She concludes that Hebrews both reinforces the continuity of Christ within Judaism, though in the sense of fulfilment, while also, p.119, "presenting Christ as the permanent, definitive, *superior* replacement of that same heritage."

⁴³⁴ See for example, R. P. GORDON, *Hebrews*, Sheffield, 2000, p.27.

the Jews are participants in God's salvation is theologically unquestionable, but how that can be possible without confessing Christ explicitly, is and remains an unfathomable divine mystery",⁴³⁵ can be interpreted in a way which the more nuanced text of *Nostra Aetate* sidestepped: 'that the Jews are participants' as opposed to an historical 'that the Jews were participants'. More concerning, however, as far as the subject of covenant is concerned, is *Gifts*' use of Old Testament texts to provide a narrative of the enveloping of one covenant into another in the salvation history of the people of Israel. This begins with the statement that, "For the Christian faith it is axiomatic that there can only be one single covenant history of God with humanity",⁴³⁶ and then *Gifts* argument continues by shoehorning the Old Testament covenants into the framework of 'the Christian faith', which it provides. In section 32, *Gifts* rehearses the covenants with Abraham, Moses, Noah, then the prophets, and concludes with the statement that "Each of these covenants incorporates the previous covenant and interprets it in a new way".⁴³⁷ As I have shown above, this does not come from the text of the Old Testament, nor is it necessary in Catholic theology. *Gifts* proposes a 'Russian Doll' view of the Old Testament covenants, so that when the New Covenant in Christ comes along the process is continued, and this last covenant 'incorporates' and 'interprets' the ones which went before, but in no way nullifying or cancelling them.⁴³⁸ Here, *Gifts* seems to mirror the ideas found in the book of Jubilees, rather than the Old Testament. The later theological assertion, that the New Covenant does not cancel the Old, becomes the new lens through which the text of the Old Testament is viewed. This hermeneutic is nowhere explained or defended. However, this view of the Old Testament covenant is essential for *Gifts*' other conclusions which it draws about the relationship between the Jewish and Christian covenant/s and evangelisation.

Another assumption which *Gifts* makes, which I wish to highlight, is not theological, but rather historical. It is here that one finds the very heart out of which *Gifts*' wider theological construction grows. *Gifts* is at great pains to describe the situation in the very early Church. This period, from the 'Christ event'⁴³⁹ to the destruction of Jerusalem is pivotal in providing the theological framework which the document needs. Before Christ there was, in the imagery of the document, one common 'soil'.⁴⁴⁰

⁴³⁵ *Gifts*, §36. See K. KOCK, 'Theological Questions and Perspectives in Jewish-Catholic Dialogue', 2011, for the original context of this statement.

⁴³⁶ *Gifts*, §32. The original source for this is K. KOCH, *art. cit.* C.f. also, W. KASPAR, 'Recent Developments in Jewish-Christian Relations', 2010, "Each of these covenants takes up the previous covenant and at the same time reinterprets it anew. Thus for us the New Covenant is the final reinterpretation promised by the prophets of the Old Covenant. It is the definitive yes and amen to all of God's promises (2 Cor 1:20), but not their suspension or abolition."

⁴³⁷ *Gifts*, §32.

⁴³⁸ The conclusion to this section, *Gifts* §32, states "The New Covenant for Christians is therefore neither the annulment nor the replacement, but the fulfilment of the promises of the Old Covenant."

⁴³⁹ This term, used in *Gifts* §§26 & 27, seems to include both the incarnation and the early Christian's response to Him.

⁴⁴⁰ *Gifts*, §§15, 17.

This is “the Judaism of Jesus’ time”.⁴⁴¹ The incorporation of the Gentiles, and the relaxation of the Jewish laws for the Pagan elements within the nascent Church, were the impetus for the development of the Church from this soil. Judaism also developed, but for her the cataclysmic event was the destruction of the temple in Jerusalem. This gave rise to Rabbinic Judaism. According to *Gifts*, the beginnings of this separation could be traced to these events, “The separation of the Church from the Synagogue does not take place abruptly however and, according to some recent insights, may not have been complete until well into the third or fourth centuries.”⁴⁴² The implications for this shared history is that Jews and Christians are related to each other as ‘siblings’, or in the words of Pope John Paul, the Jews are the ‘elder brothers’ of Christianity.⁴⁴³ The Christians developed into the Church of the Patristic Fathers, while the Jews developed into the Rabbinic tradition with its written and oral Torah. *Gifts* also uses this version of history in its interpretation of Scriptural texts,⁴⁴⁴ and in the guidelines for the interpretation of Scriptural texts given by the Pontifical Biblical Commission.⁴⁴⁵ *Gifts* provides a radical re-evaluation of the fundamental basis of Christian exegesis of the Old Testament, “Judaism and the Christian faith as seen in the New Testament are two ways by which God’s people can make the Sacred Scriptures of Israel their own.”⁴⁴⁶ Further, this divergence of the traditions from the common soil, can give expression to the covenant of God, founded in that soil, which was later understood in different ways by the two siblings.⁴⁴⁷

Gifts clearly sums up this version of history, “Thus Jews and Christians have the same mother and can be seen, as it were, as two siblings who – as is the normal course of events for siblings – have developed in different directions.”⁴⁴⁸ This version of the early years of Christianity is not peculiar to *Gifts*, and has become more and more popular in the recent literature.⁴⁴⁹ This ‘parting of the ways’ account downplays the difference of the message of Christ and argues that Christianity was, for a number of centuries, a version of Judaism which could have remained under the umbrella of the multi-form faith of ‘Judaism’. Only as Christianity defined itself increasingly against Judaism, and Judaism reciprocated in kind, did

⁴⁴¹ *Gifts*, §15.

⁴⁴² *Gifts*, §16.

⁴⁴³ *Gifts*, §§14, 20. I have noted the problem with the phrase above.

⁴⁴⁴ *Gifts*, §34, “With this image [the olive tree of Romans 11] Paul gives expression to the duality of the unity and divergence of Israel and the Church.”

⁴⁴⁵ *Gifts*, §31. According to this line of argument, the Rabbinic tradition of interpretation of Old Testament remains valid as it was simply one organic development of exegesis. Another was the Christian tradition.

⁴⁴⁶ *Gifts*, §25.

⁴⁴⁷ *Gifts*, §27, “The term covenant, therefore, means a relationship with God that takes effect in different ways for Jews and Christians.”

⁴⁴⁸ *Gifts*, §15. See also W. KASPAR, ‘The Relationship of the Old and the New Covenant as One of the Central Issues in Jewish-Christian Dialogue’, of 2004.

⁴⁴⁹ For an overview of the ‘parting of the ways’, see J. D. G. DUNN, *The Partings of the Ways: Between Christianity and Judaism and their Significance for the Character of Christianity*, London, 2006; D. BOYARIN, *Border Lines: The Partition of Judaeo-Christianity*, Philadelphia, 2004; A. H. BECKER & A. YOSHIKO REED (EDS), *The Ways That Never Parted: Jews and Christians in Late Antiquity and the Early Middle Ages*, Minneapolis, 2007; A. F. SEGAL, *op. cit.*; articles by M. HIMMELFARB and J. G. GAGER in E. FISHER (ED.), *Interwoven Destinies*, Mahwah, New Jersey, 1993.

two distinct faiths emerge. This version of history is not found in *Nostra Aetate*, but rather seems to be based more on recent theological and historical insights.⁴⁵⁰ Even though the ‘parting of the ways’ has risen in popularity since the Council, we should be wary of using it as the basis for a development in Catholic/Jewish relations as if it has been accepted as demonstrably true.⁴⁵¹ Indeed, by presenting it as verifiable historical fact, *Gifts*’ narrative may be driven too much by its theological engine. This version of the ‘parting of the ways’ is needed by *Gifts* to put forward a relationship of siblings, or equals which in turn serves the larger endeavour of Catholic/Jewish dialogue. In the same way that the ‘reflection’ on the current practice of dialogue in 2015 has influenced Scriptural interpretation and Old Testament exegesis, so it has shaped the interpretation of history itself.

With these foundational assumptions and reconstructions in place, we can now look at the way *Gifts* uses them in the discussions within inter-religious dialogue. *Gifts*’ argument is quite clear, “Dialogue between Jews and Christians then can only be termed ‘interreligious dialogue’ by analogy, that is, dialogue between two intrinsically separate and different religions.”⁴⁵² Here *Gifts* views Judaism from the standpoint of the framework which it has constructed, namely the common soil from which both she and Christianity sprang.⁴⁵³ Although this may seem to go against *Nostra Aetate*, in fact, according to *Gifts*, this is not so.⁴⁵⁴ *Gifts* interprets the historical development of the conciliar document in such a way as to centralise the section on Judaism, which in turn takes on the role of facilitating the wider dialogue with the world religions:

...the fourth article of this Conciliar Declaration, which deals with a new theological relationship with Judaism, represents almost the heart of the document, in which a place is also made for the Catholic Church’s relationship with other religions. The relationship with Judaism can in that sense be seen as the catalyst for the determination of the relationship with the other world religions.⁴⁵⁵

This statement implies that the formation and inclusion of the section on Judaism in *Nostra Aetate* functions, and was designed to function in a way which is at odds with the historical account outlined above. Also, within *Gift*’s internal logic, it does not make sense to have the relationship with Judaism

⁴⁵⁰ Another example that the warning of *Gifts*, §39 should be followed.

⁴⁵¹ There are scholarly differences in the details of the parting of the ways narrative. A. F. SEGAL, *op. cit.*, places the split between ‘Judaism’ and ‘Christianity’ at the Bar Kochba revolt, p.131, whereas J. D. G. DUNN, *The Partings of the Ways: Between Christianity and Judaism and their Significance for the Character of Christianity*, London, 2006, argue more or less the same split between Christianity and Judaism, though over a longer period and over a greater geographical area, pp.47-48. The identification of the *minim* with Christianity is similarly contested, see A. SCHREMER, *Brothers Estranged: Heresy, Christianity, and Jewish Identity in Late Antiquity*, Oxford, 2010, and J. NEUSNER, ‘The Doctrine of Israel’, in J. NEUSNER & A. J. AVERY-PECK (EDS), *The Blackwell Reader in Judaism*, Oxford, 2001, 187-201.

⁴⁵² *Gifts*, §15. It is interesting to see the strong similarities between Kaspar’s 2002 address at Boston College, and the theology of Judaism’s relation to the world religions as expressed in *Gifts*.

⁴⁵³ *Gifts*, §17.

⁴⁵⁴ *Gifts*, §19.

⁴⁵⁵ *Loc. cit.*

as the ‘catalyst for the determination’ of the relationships with the world religions. *Gifts* has so prioritised and defined the relationship between Christianity and Judaism, that it could not meaningfully inform any other. The catalyst for Catholic/Jewish relationships, according to *Gifts*, is the sibling relationship springing from the same soil, but this is so radically different from Christianity’s relationship with anyone else, that it simply could not address Catholic/Hindu dialogue, for example. To use an image from another context, drawn from *Lumen Gentium*, in *Gifts* Christian/Jewish dialogue is different not only in degree, but also in essence from any other dialogue.⁴⁵⁶ Thus, as Judaism is no longer ‘another’ religion it cannot be part of inter-religious dialogue.⁴⁵⁷ *Gifts* uses Pope John Paul II’s speech to the Synagogue of Rome in 1986, to provide a new language and vocabulary. No longer is this inter-religious dialogue, it has become ‘intra-religious’ or ‘intra-familial’ dialogue.⁴⁵⁸ The latter term finds its full meaning in the document’s version of the historical narrative and the sibling nature of the relationship.

This re-reading of *Nostra Aetate*, and I would argue, a re-reading of the formation of *Nostra Aetate*, allows *Gifts* to promote its historical version of the relationship between Judaism and Christianity while not denying the conciliar text. This version of the early history of Church and Synagogue shapes not only the interpretation of certain biblical texts, by removing any hint of supersessionism from Hebrews, but it also shapes *Nostra Aetate* itself.

How, then, does covenant fare in this document?⁴⁵⁹ We have already seen that *Gifts* employs an Old Testament exegesis which understands covenant in one very particular Christian manner, but as I have shown above, covenant is not used in a univocal way in the Old Testament. *Gifts* understands the covenants of the ‘soil’ religion as essentially one, rather as we find in the book of Jubilees, a covenant which is unfolded in time as a series of covenants, but which are essentially related. It is this covenant of Judaism and Christianity’s common soil, which is conceived in the document as only one; the covenant, which has never been revoked. *Gifts* repeats this statement over and over again.⁴⁶⁰ Even after stating that this position is not found in *Nostra Aetate*, *Gifts* still proclaims it as a given;

⁴⁵⁶ *Lumen Gentium*, §10, concerning the difference between the ministerial priesthood and the priesthood of the laity.

⁴⁵⁷ This is also shown in *Gifts* use of ‘unique’ and similar vocabulary when describing the relationship between Judaism and Christianity. See Prologue, “again the unique status of this relationship within the wider ambit of interreligious dialogue” and also §§14, 20, 27.

⁴⁵⁸ *Gifts*, §20.

⁴⁵⁹ It is interesting to compare the more forceful statement of Kaspar on the permanent validity of the Jewish covenant, W. KASPAR, ‘*Dominus Iesus*’, 2001, “Therefore, the Church believes that Judaism, i.e. the faithful response of the Jewish people to God’s irrevocable covenant, is salvific for them, because God is faithful to his promises.” See also W. KASPAR, ‘The Relationship of the Old and the New Covenant as One of the Central Issues in Jewish-Christian Dialogue’, of 2004.

⁴⁶⁰ *Gifts*, Preface, §§ 27 (also that the covenant is irrevocable), 33, 34, the title of Section 5, §§ 35, 37, 38, 39 (once in the text, and twice in quotations).

An important example of over-interpretation [of *Nostra Aetate*] would be the following: that the covenant that God made with his people Israel perdures and is never invalidated. Although this statement is true, it cannot be explicitly read into “*Nostra aetate*” (No.4). This statement was instead first made with full clarity by Saint Pope John Paul II when he said during a meeting with Jewish representatives in Mainz on 17 November 1980 that the Old Covenant had never been revoked by God...⁴⁶¹

Here *Gifts* uses a speech by Pope John Paul, which was not intended for this purpose, as noted above, to clarify a question which does not appear in a conciliar text.

Gifts section four, presents its reflection on the Old and New Covenant. In simple terms, the New Covenant in Christ fulfils but in no way replaces or annuls the Old Covenant. God is faithful to the promises that He made in the Old Testament, and so with the coming of Christ, these promises are neither ignored nor placed to one side, rather they are confirmed and perfected.⁴⁶² *Gifts* then addresses the relationship between the Old and New Testaments, following the argument of Pope John Paul at Mainz, but inverting the relative positions of covenant and Testaments.⁴⁶³ This, together with the reconstruction of both Christian and Jewish history, validates a Jewish exegesis of the Old Testament. On the bases that the Old Testament is part of the Christian description of the relationship of God to His people, and as the Jewish Rabbinic interpretation is a valid expression of this ‘will and word’,⁴⁶⁴ so now the question of the covenant for the Jews after Christ comes into focus. The argument is circuitous. It begins with the Old Testament and the validity of Jewish interpretation after the Incarnation, then it considers what this means for the covenant of God with the Jews. *Gifts* avoids having to make an *a priori* judgement on the validity of the covenant from a theological position by presenting it as arising from other positions. *Gifts*’ conclusion points strongly to the present day, ongoing validity of God’s covenant with the Jews but this is presented as arising from its premises; a version of the parting of the ways, and the ongoing validity of the post-first century Jewish interpretation of the Old Testament. If these premises are shaken, then the conclusion to which they point, the ongoing covenant, will similarly be shaken. This would not have been the case had a statement on the covenant first been made, then conclusions drawn. *Gifts* leaves the reader with the inevitable conclusion that the covenant must still be operative; but it never says so openly.

Gifts strengthens the connections between Judaism and Christianity by moving from a discussion of Biblical interpretation to the current Jewish-Christian dialogue; particularly focussing on the person of Abraham. “For Jewish-Christian dialogue in the first instance God’s covenant with Abraham proves to

⁴⁶¹ *Gifts*, §39. The original text comes from K. KOCH, art. cit. ‘Theological Questions and Perspectives in Jewish-Catholic Dialogue’, 2011.

⁴⁶² *Gifts*, §27.

⁴⁶³ Pope John Paul started with the Old and New Testaments as a given and then referenced the covenant ‘never revoked’ in passing. Here *Gifts* begins with the covenant, and uses it to discuss the two Testaments.

⁴⁶⁴ *Gifts*, §32.

be constitutive, as he is not only the father of Israel but also the father of the faith of Christians.”⁴⁶⁵ *Gifts* proposes that this covenant with Abraham is the beginning of the one Old Testament covenant/s which are eventually summed up in Christ.⁴⁶⁶ *Gifts* traces the abiding validity of this Old Testament covenant through St Paul. The document resolves the question of the non-acceptance of Christianity by certain Jews at the time of Christ, and the position of present day Jews, through a kindly resolution in the mystery of God at the end of time; “That the Jews are participants in God’s salvation is theologically unquestionable, but how that can be possible without confessing Christ explicitly, is and remains an unfathomable divine mystery.”⁴⁶⁷

So where does this leave us? *Gifts* is very subtle in its use of terms concerning covenant and the covenant’s status. It uses the language of Pope John Paul II, but neither defines it, nor draws out its implications. *Gifts* uses the fidelity of God to the ‘gifts and calling of God’ in St Paul to bring the reality of the covenant to the doors of the Christian era, and proclaims its status as never annulled. *Gifts* uses the statements from the Pontifical Biblical Commission document to give post-Christian Rabbinic Old Testament interpretation a validity independent of Christianity.⁴⁶⁸ It then reinforces this view with the historical narrative of the parting of the ways, and the interdependence of the sister religions. I would argue that all of this can lead to only one conclusion, namely that the Old Testament covenant continuing with modern day Judaism is still valid, and as it comes from the same soil as Christianity, indeed as a sister, is not dependent upon Christ.⁴⁶⁹ The former statement, I think, is incontrovertible, the latter may be more open to debate.

⁴⁶⁵ *Gifts*, §33. The original text comes from K. KOCH, ‘Christians Called to be Faithful to Abraham’s Heritage’, 2012.

⁴⁶⁶ *Loc. cit.*, “Christians are therefore also convinced that through the New Covenant the Abrahamic covenant has obtained that universality for all peoples which was originally intended in the call of Abram (cf. Gen 12:1-3).” One of the ways in which Judaism has found it possible to have a positive appraisal of Christianity, and find a role for Judaism in God’s plan, is to place Christianity within its own understanding of God’s purpose for His Chosen people. If Judaism thinks of God’s mission for them as bringing all nations to Him, then Christianity can be seen as a means whereby God can accomplish this more effectively. Christianity has led the nations to the worship of the monotheistic God of Israel, described and unfolded in the Scriptures. We will see this below in the theology of Franz Rosenzweig.

⁴⁶⁷ *Gifts*, §36.

⁴⁶⁸ This is the interpretation of the Pontifical Biblical Commission document given by E. KESSLER, ‘The Jewish People and their Sacred Scriptures in the Christian Bible: A Response to the Pontifical Biblical Commission Document’, accessed from www.jcrelations.net “They [Catholics] are also told that the Old Testament contains a divine revelation unrelated to the coming of Christ and Christianity. This was not only valid for the Hebrews at the time of its writing but is still valid for contemporary Judaism.”

⁴⁶⁹ It is interesting that this concern with the inviolability of the covenant comes predominantly from Christianity. Whether or not the view is mainstream, M. VOGEL, ‘Covenant and the Interreligious Encounter’, in H. CRONER & L. KLENICKI (EDS), *Issues in the Jewish-Christian Dialogue*, New York, 1979, p.71, gives one Jewish interpretation of the permanence of the Old Testament covenant, “We cannot accept the often advanced theological argument against the ‘substitution’ claim that an abrogation of the covenant is not feasible because it would violate God’s faithfulness to His word. Although this argument is sometimes raised in Jewish theology, it is interestingly enough mainly put forward by Christian theologians. It is based on the Christian consideration that God, by His own constitution, could not change – for example, change His mind or act differently in one instance than another – because such a change would undermine His perfection. This idea indicates the influence of Greek philosophy in which perfection implies lack of change. That does not apply to the biblical view.”

However, concerning covenant, this is the exact conclusion that *Gifts* forcibly and clearly denies. The key passage, though the idea is expressed in other places,⁴⁷⁰ can be found in *Gifts* section 35.

Since God has never revoked his covenant with his people Israel, there cannot be different paths or approaches to God's salvation. The theory that there may be two different paths to salvation, the Jewish path without Christ and the path with the Christ, whom Christians believe is Jesus of Nazareth, would in fact endanger the foundations of Christian faith. Confessing the universal and therefore also exclusive mediation of salvation through Jesus Christ belongs to the core of Christian faith. So too does the confession of the one God, the God of Israel, who through his revelation in Jesus Christ has become totally manifest as the God of all peoples, insofar as in him the promise has been fulfilled that all peoples will pray to the God of Israel as the one God (cf. Is 56:1-8). The document "Notes on the correct way to present the Jews and Judaism in preaching and catechesis in the Roman Catholic Church" published by the Holy See's Commission for Religious Relations with the Jews in 1985 therefore maintained that the Church and Judaism cannot be represented as "two parallel ways to salvation", but that the Church must "witness to Christ as the Redeemer for all" (No. I, 7). The Christian faith confesses that God wants to lead all people to salvation, that Jesus Christ is the universal mediator of salvation, and that there is no "other name under heaven given to the human race by which we are to be saved" (Acts 4:12).

I have quoted this passage in full, as it incorporates the clearest, and yet most destabilising, example of *Gifts*' attempt to keep to the unicity and universal salvific reality of Christ, to borrow the key phrase from *Dominus Iesus*, and at the same time to promote *Gifts* theology of the relationship between Judaism and Christianity. The section makes the clear statement that to say that there are 'two different paths to salvation' would be contrary to normative Christianity, and would endanger elements within it. Further, following *Notes*, *Gifts* also makes the clear statement that Christ alone is the Redeemer of all. However, this finds again its place in *Gifts*' strong narrative that the covenant with Israel has never been revoked. Moreover this 'Christ' is only He "whom Christians believe is Jesus of Nazareth". We have seen how *Gifts*, following the Pontifical Biblical Commission's document, promotes a valid interpretation of the Old Testament by those who do not believe that Jesus of Nazareth is the Christ; "A response to God's word of salvation that accords with one or the other tradition can thus open up access to God..."⁴⁷¹ *Gifts* lays these two theological beliefs side by side, namely that salvation comes only through Christ, and at the same time that the heirs of the unrevoked covenant with Israel still share in the divine salvific will of God and are valid interpreters of the Scriptures – not for themselves, but for Christians. I call this passage destabilising because it seems to propose a normative Christianity concerning the unique salvation through Christ while at the same time setting it in the midst of an argument which can only point in the other direction, namely salvation through the continuing unrevoked covenant.

⁴⁷⁰ C.f. *Gifts*, §25.

⁴⁷¹ *Gifts*, §25.

The statement which I have just made may seem contrary to the plain text of the document, as *Gifts* includes firmly Christo-centric statements about salvation, but by placing conflicting implications side by side, *Gifts* does not really advance the argument. *Gifts* does not resolve the fundamental question of the status of the covenant for contemporary Judaism: or, rather, *Gifts* does resolve it, but then denies its own conclusions by restating the Catholic teaching of *Dominus Iesus*. If this seems fanciful, then we need only look at the implication which *Gifts* draws concerning mission and evangelisation.

As we have seen in the preceding documents issued from the Commission for Religious Relations with the Jews, the delicate nature of this subject is both acknowledged and recognised with regard to the practice of evangelisation. Because of the intertwined history of Christianity and Judaism, and a greater awareness of the Christian treatment of communities of Jews for over a millennium, effective evangelisation at the present time is seen as at best problematic.⁴⁷² However, based on sustained Catholic practice, and reinforced and repeated in *Ad Gentes*, the foundations of Christianity demand mission so that she “may spread everywhere the reign of Christ, Lord and overseer: of the ages, and may prepare the way for his coming.”⁴⁷³ As we have seen above, this includes mission/evangelisation of Jewish people. Further, inasmuch as there were no exceptions mentioned in *Dominus Iesus*, all those outside the body of Christ, need to have the message of Christ brought to them. The question is how this happens, rather than if it happens at all. Interreligious Dialogue does not replace this endeavour, rather it finds its place within mission.⁴⁷⁴ To say, then, that mission to the Jews is difficult and even temporarily inadvisable is possible within the historic understanding of Christian evangelisation. The authors of *Gifts* know that this is a problem, so they identify evangelisation as one of the theological questions which the document wishes to address.⁴⁷⁵ *Gifts* correctly avoids the traps laid by a supersessionist theology which presents Jews as ‘cursed’ by God as part of a divine plan, “While affirming salvation through an explicit or even implicit faith in Christ, the Church does not question the continued love of God for the chosen people of Israel.”⁴⁷⁶ However, here *Gifts* proposes a novel argument. Using passages from St Paul’s letter to the Romans, *Gifts* sets a framework for the salvation of the Jews which is founded in the sub-apostolic age.⁴⁷⁷ As St Paul says that God does not reject Israel, ‘for the gifts and calling of God are irrevocable’, so *Gifts* concludes that “From the Christian confession that there can be only one path to salvation, however, it does not in any way follow that the Jews are excluded from God’s salvation because they do not believe in Jesus Christ as the Messiah of Israel and the Son of God.” By pointing to a moment some twenty years after the death of Christ, and stating that

⁴⁷² *Gifts*, §40, put this well, “It is easy to understand that the so-called ‘mission to the Jews’ is a very delicate and sensitive matter for Jews because, in their eyes, it involves the very existence of the Jewish people.”

⁴⁷³ *Ad Gentes*, §1.

⁴⁷⁴ *Dominus Iesus*, §2.

⁴⁷⁵ *Gifts*, Preface.

⁴⁷⁶ *Gifts*, §17.

⁴⁷⁷ *Gifts*, §36.

St Paul was not condemning the whole of Israel, *Gifts* plants the idea that explicit confession of Christ as the Messiah and Son of God is not needed for the Jews to attain salvation.⁴⁷⁸ This idea does not seem to come from Christian tradition and theology, but rather from the inner argument of *Gifts*. It is interesting to note that at this moment in history, before the destruction of Jerusalem, the people who are referred to as ‘the Jews’ could, and perhaps should, according to *Gifts* logic, really be called ‘Israel’ as they are still the common ‘soil’ out of which Christianity and Rabbinic Judaism would eventually grow. Having raised the idea ‘that explicit confession of Christ as the Messiah and Son of God is not needed for the Jews to attain salvation’, *Gifts* addresses the subject immediately after in section six: “The Church’s mandate to evangelize in relation to Judaism”. *Gifts* states that from the Jewish perspective, the mission to the Jews “involves the very existence of the Jewish people”,⁴⁷⁹ and because this is “awkward” for Christians, for whom mission is “of fundamental importance”, *Gifts* states,

The Church is therefore obliged to view evangelisation to Jews, who believe in the one God, in a different manner from that to people of other religions and world views. In concrete terms this means that the Catholic Church neither conducts nor supports any specific institutional mission work directed towards Jews. While there is a principled rejection of an institutional Jewish mission, Christians are nonetheless called to bear witness to their faith in Jesus Christ also to Jews, although they should do so in a humble and sensitive manner, acknowledging that Jews are bearers of God’s Word, and particularly in view of the great tragedy of the Shoah.⁴⁸⁰

This is an extraordinary statement.⁴⁸¹ We must first address the reasons for placing Judaism in a different category than the other religions. I would argue that, while acknowledging that mission to the Jews is ‘a very delicate and sensitive matter’ the goal of mission, must be that, at the very least, the conversion of the individual must be desired, otherwise it becomes an empty activity with no goal or end. In this there can be no difference between mission to Jews or mission to Muslims or Buddhists. Either mission serves an end, beyond the good it may do the Christian to evangelise, or it does not. It cannot be that the Jews are placed in a different category on the basis of a difficult, shared history of forced conversions and persecution, as this could be claimed by many other groups, for example Islam. Indeed, *Gifts* takes the tension which was felt in the composition of *Nostra Aetate*, of subsuming Judaism within the world

⁴⁷⁸ This is the exact argument made by W. KASPAR, ‘The Commission for Religious Relations with the Jews: A Crucial Endeavour of the Catholic Church’, 2002, “This does not mean that Jews in order to be saved have to become Christians; if they follow their own conscience and believe in God’s promises as they understand them in their religious tradition they are in line with God’s plan, which for us comes to its historical completion in Jesus Christ.”

⁴⁷⁹ *Gifts*, §40. The original context for these remarks is K. KOCH, ‘Christians Called to be Faithful to Abraham’s Heritage’, 2012.

⁴⁸⁰ *Gifts*, §40. See W. Kaspar’s ‘forward’ in P.A. CUNNINGHAM, ET AL., *Christ Jesus and the Jewish People Today: New Explorations of Theological Interrelationships*, Cambridge, 2011, p.xvii, “In contrast to some fundamentalist movements, the Catholic Church sponsors no specific institutional missionary work aimed at Jews.”

⁴⁸¹ Although this is the first time that a document of such weight expressed such views, they can be traced through papers presented to the Liaison Committee between the Roman Catholic Church and the International Jewish Committee for Interreligious Consultations. See the paper “The Mission and Witness of the Church” presented by T. Frederici in 1977, in H. CRONER, *More Stepping Stones to Jewish-Christian Relations*, Mahwah, New Jersey, 1985, 37-55.

religions, and resolves it simply by declaring that there is no such problem, as Judaism is not, after all, one of the world religions. *Gifts* draws no conclusions as to what this means for the other religions, or indeed what it means for Judaism as a religion in its own right. This seems to go against the reasons for including Judaism in the world religions in *Nostra Aetate* in the first place. While the reasons given for this repositioning of Judaism are not persuasive, in effect the whole of *Gifts* is a sustained argument to reach this point. The reasons for placing Judaism in a different category are those we have seen above in relation to covenant.⁴⁸² It must be more than simply a shared history, for Christianity shares a history with all of the world religions through contact and dialogue. It must be more than a shared Scripture or patrimony, for that simply places the two in a relationship based on a historical fact that does not need to inform the present situation. It must even be more than an atonement for horrendous actions in the past, for that would both deny the fundamental evangelical command of Christ as well as patronising those on whom we graciously bestow our guilty largesse. *Gifts* does not provide an explicit reason for removing Judaism from the category of world religions, because the true reason, which arises from its overarching theological framework, is the abiding covenant with Israel into modern Judaism. This is a radical redrawing of the theological map, and is one which *Gifts* cannot do, as it would go against Vatican documents of greater magisterial weight.

The phrase that “the Catholic Church neither conducts nor supports any specific institutional mission work directed towards Jews” has rightly been picked up by commentators.⁴⁸³ It does not seem valid, as some argue, that *Gifts* is trying to sneak ‘un-institutional’ mission to the Jews through the back door. This seems far from *Gifts*’ intentions. We may, rather, ask questions about this statement; is it referring to the current situation in the Church, or a specific ban on mission to the Jews (though that mission should still theoretically take place)? Is it simply a theological statement that such a thing as mission to the Jews no longer exists within the Church? *Gifts* offers no defence of this new position in relation to either *Ad Gentes* or even *Nostra Aetate*. *Gifts*, however, tries to keep an element of mission, for to deny it is to deny something foundational in the Church, as the document itself has made clear. In order to do this, the remainder of this section positions mission firmly within dialogue, as opposed to *Dominus Iesus* which placed dialogue within mission.⁴⁸⁴ It then redraws mission, welding it to the idea of ‘witness’, and removes from it any real sense of the agent of mission being the Church. “Christian mission means that all Christians, in community with the Church, confess and proclaim the historical

⁴⁸² It is ironic that one of the reasons for placing Judaism outside mission is the statement made by John Paul II, quoted above. When reading his encyclical *Redemptoris Missio* specifically addressed to the Church’s Missionary activity, the universality of mission is continually stressed, see §§ 2 and 31 which shows its universal scope.

⁴⁸³ This idea, and these distinctions are not new, see T. FEDERICI, ‘Study Outline on the Mission and Witness of the Church’, s.l., 1977. Also, W. KASPAR, ‘The Commission for Religious Relations with the Jews: A Crucial Endeavour of the Catholic Church’, delivered at Boston College, 6 November 2002, “that there is no organised Catholic missionary activity towards Jews as there is for all other non-Christian religions.”

⁴⁸⁴ *Gifts*, §41.

realisation of God's universal will for salvation in Christ Jesus."⁴⁸⁵ As it is Christ who has won salvation, it is not the role of the Church to repeat this action. Though the document is not clear, it seems that mission is redefined as living the Christian life, which in itself is a proclamation of Christ. It is beyond human minds to understand how God will use this, "[God] will carry out his universal plan of salvation in ways that only he knows."⁴⁸⁶

Gifts' conclusions regarding mission are clear and theologically sound if we assume that the covenant that God made with the Israelites is still operative in the Jewish community of today. Then, there would be no need for mission and evangelisation by the Church, as there would be no need to bring the Jews the message of Christ. Apart from the exhortation to live a good life, the Jews would have no need for the message of Christ, as their means of salvation is secure. It would be the observance of the Torah and praise of God as it was revealed in the Old Testament and developed by the Rabbis, and would be, to all intents and purposes, independent of Christ. However, this contradicts the historical theology of mission, as well as the more recent *Ad Gentes* and *Dominus Iesus*. This is why *Gifts'* denial of mission to the Jews in any meaningful form rightly jars. It is not enough to include the technical small-print that as all salvation comes from Christ, and it is not really the observance of their ancient faith, but Christ who saves the Jews. Without a clear theology of a means of salvation for modern Judaism outside the action of Christ, there can be no reason for excluding them from the Church's missionary activity. *Gifts* has set up an argument which concludes with the denial of mission to the Jews (coming as a reflection from its experience of dialogue) but has not done so by stating boldly the stages and changes in theology that one needed for such a development to have taken place. Unless a clear theology is proposed, it will always be at odds with the fundamental desire for Christian mission.

I have concentrated on this document as it seems to offer a conclusion to the question of the Church's relation to the Jews, but, in reality, it does not. Its theology is based on a hypothetical reconstruction of early church history, which may indeed be true, but is not known. From this a narrative of covenantal relationship is woven, with the lines of the common soil, and distinct Rabbinic Judaism being blurred. The permanent validity of the Old Testament covenant, asserted in a speech, and not a magisterial text, is extended in an unspoken way forward in time, with the straightforward conclusion that modern Judaism should not be the object of the Church's mission. How could it? After all it had its own covenant – never revoked. Of course, such an argument could not be written openly, as it goes against *Nostra Aetate*, *Ad Gentes*, *Dominus Iesus*, &c. so it was placed side by side with assertions of the unique

⁴⁸⁵ *Gifts*, §42. Although *Gifts* refers the reader back to *Ad Gentes*, §7, it obviously did not take into account another sentence found in that section, "Therefore, all must be converted to Him, made known by the Church's preaching, and all must be incorporated into Him by baptism and into the Church which is His body." P. A. CUNNINGHAM, 'Gifts and Calling: Coming to Terms with Jews as Covenantal', asks what is meant by these terms, and what their ends are.

⁴⁸⁶ *Loc. cit.*

role of Christ in the salvation of the world. This is the inner tension of the document, which in reality, though it has aired the issues, has resolved none of them.

In this section of the post *Nostra Aetate* documents, we can see that the documents which have been issued seek to facilitate the dialogue which has taken place between the representative bodies of Judaism and Catholicism. This is most clear in *Guidelines* and *Notes*. *We Remember* provides another function, addressing the emotional response of the Catholic Church to the Shoah. In these three documents we can see the Commission developing the language and practice of Catholicism to address the new reality of Catholic/Jewish relations. However, they do not address the root question of Judaism's relationship with the world religions on the one hand and with Christianity on the other. This is why *Gifts* contribution is so pivotal. As I stated at the beginning of this section, *Gifts* seems to offer a resolution to the issues which have sat at the heart of Catholic/Jewish dialogue; first, the Jews' status with regards to the Old Testament covenant and the coming of Christ, and second, experienced from the Jewish side in a more visceral way, the related question of the Church's mission to the Jews. I have tried to show that *Gifts* subtly leads the reader to the inevitable conclusion that modern Jews are included in the Old Testament covenant with Israel, but that this is based on uncertain ground. *Gifts*, however, then denies this conclusion by restating normative Catholic teaching that all salvation comes from Christ; that there can be no Old Testament covenantal means of salvation open to the Jews, as if there were two sources or streams. This position is in turn undermined by *Gifts*' rejection of the very principle of an institutional mission to the Jews. If the assertion of normative Christianity (the need of both Christ and mission) is removed from this document, then the theology is internally coherent. But, as *Gifts* does not make a clear statement about the Jews and the covenant, its overall argument does not hold. *Gifts* becomes a statement of a new reality, a new situation, rather than a theological argument which deals with the fundamental questions which *Nostra Aetate* poses. Perhaps *Gifts* should be taken on its own terms after all, that it is only a 'reflection' and a 'stimulus' rather than the conclusion to a process which began with *Nostra Aetate*.

This document, *Gifts*, issued in 2015 promises much, and much has been claimed about it from various sections in the Church. The temptation, which I have already mentioned, is to believe that *Gifts* has solved the problems which we are faced with when thinking about Judaism from the Christian perspective. Moreover, *Gifts* is presented as being a new stage in Catholic/Jewish dialogue, when mission is abandoned and the covenant affirmed. The relationship of Judaism to the world religions is quietly put to one side, and *Nostra Aetate* is mined for useful phrases. But the heart of the problem still remains, for *Nostra Aetate* places Judaism close to Christianity, but goes no further. No conciliar document claims that mission should be abandoned, in fact the opposite is clear, or that covenant is a gateway to validate modern Judaism. By promoting covenant, *Gifts* tried to wed Judaism to Christianity, but in the process, provided neither justification, nor analysis of the implications of such a move. I shall

attempt to do this in the next section, namely an analysis of what happens when the unrevoked covenant of the Old Testament with the Jewish people is taken as a fundamental given, and mission is foresworn.

I wish to end this section by stating that the continuing validity of God's covenant with the Jews is not clear from the Old Testament, because this blanket statement does not define what covenant is being talked about. There is no one covenant in the Old Testament, nor is a definition advanced in the conciliar texts. This univocal interpretation of Romans is a novelty in the past fifty years, but is one which is now in an official document of the Church. This document, *Gifts*, I now take to be the 'official' Catholic position, but I do not accept that it is unreformable, or indeed, irrevocable.

Section Three

Where have we been led, and where shall we go?

3.1 The Dual Covenant

So far in this thesis, I have examined the covenants in the Old Testament and the way in which ‘covenant’ as an organising principle of the Old Testament history flourished before the Council. Then, in the second section, I traced the development of the *Decretum de Iudaeis* from its inception to its final inclusion in *Nostra Aetate*, stressing the precarious nature of the document at various stages in its development. I highlighted the last-minute creation of a document primarily concerned with the world religions into which the section on Judaism was inserted. The inner tension which came about as a result of this process is a part of the final text of *Nostra Aetate*, and the later post-conciliar documents tried to clarify the meaning and implications of *Nostra Aetate* in the years that followed. In the latest document, *Gifts*, I have argued that we have a continuation of the central problems which are written in the pages of *Nostra Aetate*, while at the same time, *Gifts* proposes solutions to this situation by introducing theological novelties. For my thesis, the central concern is the continuing nature and validity of the covenant with the Jewish people. This, I have argued, was based on a particular interpretation of first century history and an even more particular version of the Old Testament ‘covenant’. While *Gifts* restates the Church’s normative stance on salvation through Christ alone, with no separate route of salvation for Judaism through her covenant, I have found this at odds with *Gifts*’ fundamental argument. These arguments lead to a turning away from mission to the Jews.

This confused position, trying to hold together the message of *Ad Gentes* and *Dominus Iesus* with the internal logic of *Gifts* perpetuates the tension which I believe is at the heart of *Nostra Aetate*. By placing Judaism in the context of the world religions, the Church struggles to find ways of describing her relationship with the Jews.

In this section, I wish to look at what happens when the basic principles that we find in *Gifts* namely the continuation of the covenant of God with the Jews and a repudiation of mission, are placed at the centre of systematic theology. To do this I will look outside Catholicism, as Catholicism is necessarily not free to develop a theological system which is at odds with the central tenets of *Dominus Iesus*. To do this I shall look at the theology and influence of Franz Rosenzweig, one of the most influential proponents of the dual covenant from a Jewish perspective, followed by Paul van Buren, who attempts to write a Christian theology from the same theological starting point.⁴⁸⁷ Although both of these authors share much in common, van Buren’s work highlights the latent problems which we will find in all Christian versions of dual covenant theology.

⁴⁸⁷ For a development of the thought of Rosenzweig, through Lapide and Thoma, see E. KESSLER, “‘I am Joseph your Brother’: A Jewish Perspective on Christian-Jewish Relations since *Nostra Aetate* no.4’, in *Theological Studies*, 74, 2013, pp.59-61.

Although I have touched on issues concerning the ‘dual covenant’ in the previous section, it is important at this juncture to provide certain definitions which will help us as we proceed to Rosenzweig and van Buren. While we need to concentrate on the central definitions of ‘covenant’ and ‘dual covenant’, it would not be misplaced to say a brief word to clarify supersessionism, and also the debate concerning the place of the world religions in God’s plan of salvation. Supersessionism, because much of the modern theology which asks questions about the relationship between Judaism and Christianity takes a blanket rejection of supersessionism as their starting point, and the debate about the world religions, because if Judaism is merely one religion among many, then whatever Christianity says about her will have implications for the others.

Let us first turn to a definition of the dual covenant. In fact, this is not an accurate term, for ‘dual covenant’ often includes a single covenant theology. This confusion in language is often found when trying to understand particular theologians. Broadly, there are three possibilities in ‘covenant’ theology.⁴⁸⁸ The first two options are single covenant models, while the third is a dual covenant model. In the first option, the single covenant is the one which God formed with the Jews in the Old Testament. In some way Christians have also come to participate in it,⁴⁸⁹ and so the covenant with Christianity is dependent upon, and gains its meaning within the primary covenant with Judaism. Although Christianity is secondary, this does not preclude God’s relationship with Christianity being described in covenantal terms. The second option is an inversion of the first; the covenant God made with the Jews is subsumed into the new covenant God makes with the Church in Christ. Although the two groups, Judaism and Christianity are in some way related or joined,⁴⁹⁰ this is still a single covenant theology as

⁴⁸⁸ For a comprehensive survey, see E. FISHER, ‘Covenant Theology and Jewish-Christian Dialogue’, in *American Journal of Theology and Philosophy*, vol.9, 1988, especially pp.25ff. Also J. T. PAWLIKOWSKI, *Christ in the Light of the Christian-Jewish Dialogue*, New York, 1982, pp.9-33; J. T. PAWLIKOWSKI, *What are they saying about Christian-Jewish relations?*, New York, 1980, pp.33-68.

⁴⁸⁹ See, *inter alia*, M. HELLWIG, *Proposal towards a Theology of Israel as a religious Community Contemporary with the Christian*, PhD Thesis, the Catholic University of America, 1968; B. FORTE, ‘Israel and the Church – The Two Explorers in the Promised Land: Toward a Christian Theology of Judaism’, in P. A. CUNNINGHAM, *The Catholic Church and The Jewish People: Recent Reflections from Rome*, New York, 2007, 73-91. Also P. VAN BUREN, who will be discussed below; J. T. PAWLIKOWSKI, ‘A Theology of Religious Pluralism?’ in R. BROOKS (ED.), *Unanswered Questions: Theological Views of Jewish-Catholic Relations*, Indiana, 1995, 153-167. Pawlikowski moves from a version of single covenant theology to a version of pluralism. Following his argument, we can see how the one naturally becomes the other.

⁴⁹⁰ This position is generally held by those who propose a ‘fulfilment’ theology. From his statements, it would seem that Cardinal Kaspar follows this view, though, as one of the authors of *Gifts*, the inner confusion and tension found in *Gifts* can often be seen in his writings. See for example ‘The Relationship of the Old and the New Covenant as One of the Central Issues in Jewish-Christian Dialogue’, speech delivered at the Centre for the Study of Jewish-Christian Relations, Cambridge, December 6, 2004, “The One Covenant Theory correctly maintains the unity of God’s plan of salvation, but it presumes a unified canonical biblical covenant concept which does not exist in this form. It stands in danger of either claiming Judaism for Christianity or making Christianity into a sort of reformed Judaism, thus obscuring either the particularity of Judaism or the uniqueness and universality of Christ Jesus. The Two Covenant Theory avoids these dangers. Its strength is that it can maintain the relative autonomy of Judaism and Christianity. Even if it wishes to maintain the interconnectedness of Judaism and Christianity, this is not totally successful; it runs the risk of considering the two as totally independent entities. It must therefore on the one hand play down the Jewish roots of the church while on the other hand failing to do

the first covenant with the Jews finds its true meaning in terms of what was to come. The covenant with the Jews was shadow or preparation. Whether or not this can be termed a ‘covenant’ depends on the theological standpoint of the individual. The tension felt in current Catholic theology may be precisely located here; whether or not we can assert a full-blooded Jewish covenant within this second model. In the third option, God made two covenants, one with the Jews and one with the Christians but the two covenants are essentially independent. This is a full dual covenant model as neither covenant has priority over the other. When and how these covenants were formed is open to debate.

Within these three options there are various divisions and subdivisions.⁴⁹¹ With the priority of the Jewish covenant (the first option) Christianity may be given a ‘special position’ as an instrumental cause for bringing in the Gentiles,⁴⁹² or Christianity may simply be one of the gentile groups who can enter into relationship with the God of Israel through keeping the Noahite Laws. With the priority of the Christian covenant (the second option), the Jews may be called to keep the Torah as their means to sanctification, while such stipulations are not required for Gentile Christians.⁴⁹³ Alternatively, the whole resolution of the relationship between Christianity and Judaism may be pushed into the future as a pious eschatological wish, when God will sort it all out.⁴⁹⁴ The third option, of two separate covenants leads to the question of why God limits Himself in this way, and if He does so, how it could reasonably be justified. These three options of single and dual covenant theologies can be found in the literature on the subject of God’s relationship with Christianity and Judaism. The second option, the priority of Christianity, is generally found in mainstream Christianity, while the first option, the priority of the Jewish covenant often comes from those who look at the issue from a historical point of view and see that the covenant with the Jews came first. The priority of the Jewish covenant can also come from a Christian guilt at the treatment of the Jews, or an elevation of the status of Judaism and the Old Testament within Christianity. Dual covenant, strictly speaking, placing the Jewish and Christian covenant on an equal footing, will often lead to a pluralistic way of looking at the world religions; once the exclusivity of the single covenant theology goes, it is difficult to defend a system which includes two, but no more.

justice to the universal Christological claim.” D. J. BOLTON, ‘Catholic-Jewish Dialogue: Contesting the Covenants’, in *The Journal of Ecumenical Studies*, 45:1, 2010, p.45, “Kasper has, perhaps more than any other person, been responsible for further developing and providing nuance to what this essay calls the nonmissional single-covenant model.” Also J. T. PAWLIKOWSKI, ‘Reflections on Covenant and Mission Forty Years after *Nostra Aetate*’, in *CrossCurrents*, Vol.56, No.4, 2007, p.80.

⁴⁹¹ See B. KLAPPERT, ‘Fellow Heirs and Partakers of the Promise’, in *European Judaism*, 1997, 30, 29-44.

⁴⁹² This is the position, among others, of van Buren. C.f. also C. A. THOMA, *A Christian Theology of Judaism*, New York, 1980.

⁴⁹³ M. Wyschogrod sees this as the natural conclusion to Christian supersessionism. *Abraham’s Promise: Judaism and Jewish-Christian Relations*, Cambridge, 2004.

⁴⁹⁴ For a detailed exposition see M. G. VANLANINGHAM, *Christ, the Savior of Israel: The ‘Sonderweg’ and Bi-Covenantal Controversies in relation to the Epistles of Paul*, PhD Thesis, Trinity Evangelical Divinity School, 1997.

With these definitions in place, however, the reality is that the phrase ‘dual covenant’ is used at times indiscriminately, and can refer to all three options. In what follows, I shall try to distinguish between them as much as possible. Although versions of dual covenant theology are dismissed explicitly in *Gifts*, and, of course, in *Dominus Iesus*, nonetheless, we should not assume that all the versions outlined above are equally rejected. Resolving the relationship of Judaism and Christianity in the eschaton, for example, is perfectly in line with the statements of the Church. I shall use the term ‘covenant theology’ with the widest possible meaning, of God’s ongoing covenant with the Jewish people which continues after the birth, death and resurrection of Christ, as well as the covenant with Christ, i.e. either of the single covenant models. When I need to specify the multi-covenantal approach (the two separate covenants operative in their own spheres of Judaism and Christianity), I shall do so clearly.

Moving from covenant theology, I wish to outline briefly the subject of supersessionism. So far in this thesis I have assumed a rejection of supersessionism as the foundation of the relationship between Judaism and Christianity. Although the term supersessionism itself is not one which has a long history,⁴⁹⁵ it is now commonly used, carrying with it various meanings. I will use as a starting point the work of Kendall Soulen,⁴⁹⁶ and particularly his categories of supersessionism. Although Soulen’s is not the only work defining supersessionism, his influence in the field is great, and most other works refer to him.⁴⁹⁷ Soulen clearly delineates his terms. Supersessionism is the replacement of the relationship of God and Israel, witnessed and described in the Hebrew Scriptures, by Christ and the Church. In this definition, God’s use of Israel, and, in a certain sense, His relationship with her, was supplanted with the advent of Christ, and the images and language used to describe Israel were appropriated, or fulfilled, by this new reality. This displacement of Israel had both immediate implications, and far reaching consequences.

Soulen defines various types of supersessionism. The first, which he classifies as ‘economic supersessionism’ he traces to the early Church Fathers, and may be summed up as follows: “The prophecies, types, and figures of the Old Testament are fulfilled and superseded by their New Testament equivalents. Thus baptism replaces circumcision, the Eucharist replaces Passover, and so forth.”⁴⁹⁸ According to Soulen, God no longer dealt in familial, carnal terms, as He had done with Judaism, but with the new Christian community gathered together by faith. The New Testament was definitive,

⁴⁹⁵ M. A. TAPIE, *Aquinas on Israel and the Church: The Question of Supersessionism in the Theology of Thomas Aquinas*, Cambridge, 2014, traces its use to the English translations of the works of Jules Isaac, p.12. Tapie argues that the translation of ‘*accomplie et périmé*’ with regards to the law, in *Jesus et Israel* should properly be translated as fulfilled and expired. In English *périmé* was translated as ‘superseded’. Tapie asserts that Isaac did not mean that the law was superseded, and thus of no value for the Jews, but rather was fulfilled and expired for the Christians.

⁴⁹⁶ R. K. SOULEN, *op. cit.*

⁴⁹⁷ See R. E. DIPROSE, *Israel in the Development of Christian Thought*, Rome, 2000, for different classifications.

⁴⁹⁸ R. K. SOULEN, *op. cit.*, p.28.

whereas the Old Testament was merely prophetic. This definition of ‘economic supersessionism’ does not necessarily carry with it any judgement or condemnation of Israel. In Soulen’s description, this is simply the ‘standard model’ of early Christianity, based on the replacement of Israel by the Church. “According to economic supersessionism, Israel is transient not because it happens to be sinful but because Israel’s essential role in the economy of redemption is to prepare for salvation in its spiritual and universal form.”⁴⁹⁹ However, it is difficult to see how this standard model would not have a negative impact on Judaism.⁵⁰⁰

In Soulen’s description, this economic supersessionism gave way to a ‘punitive supersessionism’. This punitive supersessionism, as its name suggests, is the punishment laid on the Jews because of their failure to accept Christ, and for their role in His death. Soulen, and others, point to the work of Melito of Sardis, as a clear exponent of this new form of supersessionism.⁵⁰¹ Here, we can see a move from the ‘prefiguration and fulfilment’ model of economic supersessionism, to one which apportions blame to the Jews, bringing with it a consequent punishment by God.

You disowned the Lord,
and so are not owned by him.
You did not receive the Lord,
so you were not pitied by him.
You smashed the Lord to the ground,
you were razed to the ground.
And you lie dead,
while he rose from the dead,
and is raised to the heights of heaven.⁵⁰²

In punitive supersessionism, Christianity no longer tries to find its place in relation to Judaism, rather Christianity defines herself at Judaism’s expense.

Soulen finishes his definition of supersessionism with a third type, ‘structural supersessionism’. This describes the whole system within which both economic and punitive supersessionism can find a home.

The standard model [of the relationship between Christianity and Judaism] is structurally supersessionist *because it unifies the Christian canon in a manner that renders the Hebrew Scriptures largely indecisive for shaping conclusions about how God’s purposes engage creation in universal and enduring ways*. Whereas economic and punitive supersessionism designate discrete problems *within* the

⁴⁹⁹ *Ibid.*, p.29.

⁵⁰⁰ *Ibid.*, p.30, “While economic supersessionism need not be overtly hostile towards the Jewish people, it logically entails the ontological, historical, and moral obsolescence of Israel’s existence after Christ.”

⁵⁰¹ See MELITO OF SARDIS, *On Pascha*, trans. A. STEWART-SYKES, Crestwood, New York, 2001.

⁵⁰² *Ibid.*, §99, p.65.

standard model, structural supersessionism designates a problem that pervades the standard model as a whole.⁵⁰³

Although Soulen has undoubtedly been influential in his work on defining supersessionism, it is not to be taken uncritically.⁵⁰⁴ The historical and theological journey Soulen describes inexorably leads to ‘Israel forgetfulness’. This prioritises the divinity of Christ at the expense of His Jewish flesh, leading to the eradication of Israel’s existence in post incarnational history, then to the horrible results seen in the recent past. We must remember, however, that Soulen develops his description of supersessionism in the light of the tragedy of the twentieth century, trying to understand how it could have come about. Although Soulen presents his three movements in supersessionism historically, from economic to punitive to structural supersessionism, his work can be easily read that he started with the recent past, structural supersessionism before looking underneath and finding punitive and then economic supersessionism. As the end results, the Shoah, are so catastrophic, there is a danger that Soulen’s description of structural and punitive supersessionism will carry economic supersessionism along with them, and all three be rejected out of hand. While it is clear from Catholic documents that punitive supersessionism is rejected, it is not at all clear that this necessarily leads to a rejection of all versions of economic supersessionism, nor, indeed, whether economic supersessionism necessarily lead to structural supersessionism. There will be an inevitable difficulty in trying to redefine or even propose any version of supersessionism, because in current theological language, supersessionism is a negative description of an incorrect and dangerous theology. It is negative because there cannot be any positive description of the Church ‘superseding’ Israel. And supersessionism is incorrect and dangerous because one can simply assume that it led to the Shoah, and thus supersessionism in all its forms could never have been willed by God.⁵⁰⁵ If, however, economic supersessionism is not inevitably linked with punitive supersessionism, and if punitive supersessionism can be condemned, as the Church has done in her recent documents, then although the language of supersessionism may be toxic, it need not be rejected as a whole.⁵⁰⁶

A much more pared-down definition of negative supersessionism may be proposed: that this supersessionism means that God had abandoned the Jews and the Church had replaced Israel at the Jews’ expense.⁵⁰⁷ While this does not say much about the relationship between Christianity and

⁵⁰³ R. K. SOULEN, *op. cit.*, p.31.

⁵⁰⁴ M. J. VLACH, *The Church as a Replacement of Israel*, Frankfurt am Main, 2009, pp.27-29.

⁵⁰⁵ This position is clearly stated by P. OCHS, *Another Reformation: Postliberal Christianity and the Jews*, Grand Rapids, Michigan, 2011, p.2, “...whatever its formal, theological justification, or non-justification, supersessionism shows itself to be lethal as a public teaching.” Ochs tries to avoid the choice of supersessionism or non-supersessionism by proposing postliberal Christianity.

⁵⁰⁶ This nuance is identified in M. J. VLACH, *op. cit.*, p.75, “The Roman Catholic Church does not espouse non-supersessionism, and the *Nostra Aetate* should not be understood as an expression of non-supersessionism.”

⁵⁰⁷ This is in part based on an assessment of Pope John Paul II in Y. GELLMAN, ‘The Akedah and Covenant Today’, in E. N. KORN & J. T. PAWLIKOWSKI (EDS), *op. cit.*, p.35, “The Pope’s statement implied an end to a

Judaism, it hopefully does not read a particular version of the relationship between Christianity and Judaism into the definition.⁵⁰⁸

Finally, before turning to Rosenzweig and van Buren as exemplars of building a theological system on the assumption of the abiding validity of the Jewish covenant, let us turn to the place of Christianity within the world religions. The roots of pluralistic theologies of religion are well documented. The concept rose in prominence after the second world war,⁵⁰⁹ and continued to develop within Christianity in the second half of the twentieth century. The classic definitions of pluralism, exclusivism and inclusivism are based on the work of Alan Race,⁵¹⁰ but have been refined by other theologians.⁵¹¹ Noting the limitations of these three categories, they are useful in describing the way God (or divine, or other) relates to creation. Very briefly, I wish to place normative Christianity, as seen in the Vatican documents and *Dominus Iesus*, alongside the three broad categories of pluralism, exclusivism and inclusivism. Although this thesis cannot detail or propose new developments or insights in this area, it should not be controversial to describe which systems sit well together, and which do not.

In order to incorporate different paths to God in a pluralistic model, all traces of exclusivism from any tradition have to be expunged. Inasmuch as Christianity advances the ‘unicity and salvific universality of Jesus Christ and the Church’, as proclaimed in the title of *Dominus Iesus*, then it will come into conflict with a pluralist understanding of salvation. If this pluralist description is adopted, then there will be a concomitant redefinition of Christology and soteriology. This proposal is condemned by the Church documents.⁵¹² Connecting this with the options for dual covenant theology outlined above, we can readily see that the strict dual covenant, which sees two parallel modes of salvation after the ‘parting of the ways’, may develop in one of two ways. Either it becomes one of the first two options (a single covenant with the priority given to either Christianity or Judaism) or it become a fully blown multi-

theology of supersessionism: that God had abandoned the Jews and that the Church had replaced Israel.” Gellman the goes further and rejects an ‘inferior-prefigurement’ paradigm.

⁵⁰⁸ For example, see D. NOVAK, ‘The Covenant in Rabbinic Thought’, in E. B. KORN & J. T. PAWLKOWSKI (EDS), *op. cit.*, pp.65-80. In Novak’s distinction between supplementary, or soft, supersessionism on the one hand and hard supersessionism on the other, there is already a priority given to Judaism. Although Novak demands that supersessionism be an integral part of Christianity, “...I question the Christian orthodoxy of any Christian who claims he or she is not a supersessionist at all”, even soft supersessionism reduces the Jewish covenant to a shadow, “...the Torah and Jewish tradition are now past memories rather than living norms.” His solution is to incorporate Christianity into the Noahite laws. See also M. A. TAPIE, *Aquinas on Israel and the Church: The Question of Supersessionism in the Theology of Thomas Aquinas*, Cambridge, 2014, with a threefold ‘via negativa’ of what supersessionism is not: not anti-semitism; not anti-Judaism; it cannot lead to the complete separation of Judaism and Christianity. Also J. A. HARRIS, ‘Enduring Covenant in the Christian Middle Ages’, in *The Journal of Ecumenical Studies*, 44:4, 2009, 563-586.

⁵⁰⁹ G. D’COSTA, *The Meeting of Religions and the Trinity*, Edinburgh, 2000, p.1.

⁵¹⁰ A. RACE, *Christians and Religious Pluralism*, London, 1983.

⁵¹¹ For a full exposition, see G. D’COSTA, ‘Pluralist Arguments: Prominent Tendencies and Methods’, in K. J. BECKER & I. MORALI (EDS), *op. cit.*, pp.329-344.

⁵¹² *Dominus Iesus*, §4 reflected in *Gifts*, §25.

covenantal model. If the latter is followed then it falls within a pluralist reading of salvation, and is condemned within normative Catholic doctrine.

A strict version of exclusivism, that there is one way to God which has been revealed through one specific group, avoiding the use of anti-Semitic language and ideas, is consonant with Catholicism. In the context of the Church, the language of ‘prefiguration/fulfilment’ or ‘image/reality’ is often used by, among others, Pope Benedict XVI.⁵¹³ With regards the dual covenant options, exclusivism could exist within either of the single covenant options, with priority being given to either the Jewish or Christian covenant. If priority is given to Christianity, a position solidly within the Catholic theological tradition, then, as I have proposed when defining supersessionism, just because Christianity and Judaism are seen in ‘fulfilment’ terms does not necessarily lead to the commonly assumed consequences of replacement supersessionism. Of course, exclusivism can lead to a complete rejection and repudiation of Judaism, but this is not inevitable. However, if exclusivism is followed as the paradigm of the Jewish and Christian relationship, then it is difficult to assert the continuing development and value of two thousand years of Judaism after Christ, something the Pontifical Biblical Commission and *Gifts* asserts by giving a certain ongoing validity to Jewish interpretations of Scripture for the Church.

Finally, inclusivism has been proposed as a way of seeing the relation between Catholicism and non-Christian religions. A change in the theological climate and language of the Church, which is sometimes called ‘salvation optimism’,⁵¹⁴ has led to a growing, though sometimes vague, interest in inclusivism. It is unclear, however, in certain versions of inclusivism if salvation is through incorporation of the individual in a Rahner-esque anonymous Christianity, or through a natural participation in the rituals of other religions.⁵¹⁵ A further distinction should be made between inclusivism as a general theory of the access of all religions/belief systems to the divine, while being mediated through Christ and inclusivism which is limited to Christianity and Judaism. This distinction comes from the Christian

⁵¹³ Pope Benedict deals with this most clearly in J. RATZINGER, *Many Religions – One Covenant*, San Francisco, 1998, especially pp.29-40. See M. MOYAERT & D. POLLEFEYT, ‘Israel and the Church: Fulfillment beyond Supersessionism?’, in M. MOYAERT & D. POLLEFEYT, *Never Revoked: Nostra Aetate as Ongoing Challenge for Jewish-Christian Dialogue*, Leuven, 2010, pp.165ff. For an interpretation which is more open to the continual validity of Jewish approaches to the Old Testament, see D. J. BOLTON, ‘Catholic-Jewish Dialogue: Contesting the Covenants’, in *The Journal of Ecumenical Studies*, 45:1, 2010, p.49, footnote 37. J. T. PAWLKOWSKI, ‘A Catholic Response to Gavin D’Costa’, in *Theological Studies*, 73, 3, 2012, p.633, interprets Pope Benedict resorting to the eschatological solution, “[Benedict] basically dismisses the need for Catholics to pursue the evangelization of the Jews, preferring to leave the issue to an eschatological future.”

⁵¹⁴ For an overview of the development of salvation optimism and the Conciliar Documents, see R. MARTIN, *Will Many be Saved? What Vatican II Actually Teaches and Its Implications for the New Evangelisation*, Grand Rapids, Michigan, 2012. For an introduction to Rahner’s contribution, see J. HILL FLETCHER, ‘Rahner and religious diversity’, in D. MARMION & M. HINES (EDS), *The Cambridge Companion to Karl Rahner*, 235-248. Key texts of Rahner’s ideas are; ‘Christianity and the non-Christian Religions’, *Theological Investigations*, vol.5, 115-134; ‘Anonymous Christians’, *Theological Investigations*, vol.6, 390-398; ‘Anonymous Christianity and the Missionary Task of the Church’, *Theological Investigations*, vol.12, 161-178; ‘The One Christ and the Universality of Salvation’, *Theological Investigations*, vol.16, 199-224.

⁵¹⁵ See PONTIFICAL COUNCIL FOR INTER-RELIGIOUS DIALOGUE, *Dialogue and Proclamation*, 1991, §29.

preoccupation with the way in which God reveals Himself to His creation. Although this may not be the central concern of the inclusivist way of seeing salvation, it is important when placing Catholicism next to the broad categories. I will present it in the form of a question which I have posed throughout the second section of this work; is Judaism different from the other world religions by degree or essence? While pursuing an inclusivist theology, if Christianity defines Judaism as different from the other world religions only by degree, then there is no need to propose any further description than the relative level of proximity to Christianity. We can see this in *Ecclesiam Suam* and *Nostra Aetate*. Here, the concerns of inclusivism are how the Christian revelation can be communicated to or through all of the world religions, including Judaism. However, if Christianity sees Judaism as essentially different from the world religions, then this brings with it a much more complicated situation. An inclusivist solution would have to be proposed for joining Christianity and Judaism, and then an essentially separate one to incorporate the world religions. This seems to involve first an exclusivist, and then an inclusivist stage, and is overly complicated.

That a Catholic inclusivism is difficult to formulate can be seen from the case of Fr Jacques Dupuis. In trying to develop an inclusivist theology of the world religions, Dupuis fell foul of the Congregation for the Doctrine of the Faith, which interpreted his work as saying that non-Christian religions *per se* may be means of salvation.⁵¹⁶ The degree to which such an accusation is accurate is beyond the scope of this work. However, it serves to show the difficult questions which can be put to a theology of religions from the perspective of traditional ecclesiology and soteriology.

Although it is attractive to examine the relationship between Christianity and Judaism within the larger question of the world religions, this leads to a deeper question; if Christianity moves towards Judaism to give her 'special status', and access to divine revelation and salvation, then is Judaism one of the world religions or is she not? If the door is opened to one, then it can easily be opened to all. This may not even come about because of any specific theological proposition, but simply because of a basic instinct for fairness, and who is to say that the fairness response had nothing theological to it. If Christianity makes an exception for Judaism, then why not for Islam, Buddhism, or whoever? Neither pluralism, nor inclusivism is designed for the particularity which is Judaism (from the standpoint of the Church). When Judaism was incorporated into the theological system of the world religions in *Nostra Aetate*, no matter what connections or high-sounding words and phrases were used, Judaism's centre of gravity was the same as the other religions, namely Christianity. Any theological system for delivering salvation through the action of Christ must decide whether it is Jewish-specific or not. If it is not, and

⁵¹⁶ See J. DUPUIS, *Toward a Christian Theology of Religious Pluralism*, New York, 1998; CONGREGATION FOR THE DOCTRINE OF THE FAITH, *Notification on the book Towards a Christian Theology of Religious Pluralism by Father Jacques Dupuis, SJ*, 2001; for a commentary on the affair, though slanted towards Dupuis, see G. O'COLLINS, *The Second Vatican Council on Other Religions*, Oxford, 2013, chapter 9.

deals with Judaism in a general way, then the best Judaism can hope for is being ‘closer’ to Christianity and revelation, and participating in the salvific truth, which comes through Christ and His Church, simply to a greater extent than other faith groups and religions.⁵¹⁷ From these three categories of Christianity’s relationship with the world religions, then from this thumbnail sketch, Catholicism rejects pluralism, accepts exclusivism, and treads warily with inclusivism. Against the background of the supersessionism mentioned above, we can see the direction of travel of dual covenant theologies, with regard to the question of salvation for the world religions.

I wish now to turn to the theology of Franz Rosenzweig (1886-1929) and then to Paul van Buren. In many ways, Rosenzweig is the father figure of dual covenant theology and Paul van Buren is its eloquent exponent. Van Buren was greatly inspired by Rosenzweig, but they are separated not only by time, but also by faith; Rosenzweig writing earlier, from a Jewish perspective, van Buren later, from a Christian one. Although Rosenzweig was not the only Jewish thinker to put forward a privileged connection between Judaism and Christianity, some tracing such an idea back to the twelfth century Maimonides,⁵¹⁸ nevertheless Rosenzweig became its chief proponent in the 20th century. In many ways Rosenzweig’s theology was the basis from the Jewish perspective of what would become Catholic Jewish dialogue.⁵¹⁹ Rosenzweig’s personal history shaped his understanding of Judaism and Christianity.⁵²⁰ Rosenzweig had become intellectually convinced by Christianity, and was on the point of conversion, but first had resolved to live life as a faithful Jew. While attending the Yom Kippur service in Berlin in 1913, he became convinced of his Judaism, and further he saw Christianity’s place

⁵¹⁷ G. D’Costa provides an elegant attempt at trying to create a mechanism for the salvific inclusion of members of the world religions; see especially, *Christianity and the World Religions: Disputed Questions in the Theology of Religions*, Oxford, 2009; also *Vatican II: Catholic Doctrines and Jews and Muslims*, especially pp.81-89. Although he takes seriously the traditional understanding of the Church of the requirements for salvation, and also pursues a genuine theological speculation, D’Costa’s solution, which hinges on the descent into the underworld, raises certain problems which I will discuss below in ‘A Modest Proposal’. It is important to note that D’Costa does not address the specific question of the place of Judaism as opposed to the other world religions. Although D’Costa differentiates between different groups (‘Christian Orthodoxy and Religious Pluralism: A Further Rejoinder to Terrence W. Tilley’, in *Modern Theology*, 23:3, 2007, p.460, “...Judaism cannot be classified with non-Christian religions; it has imperfect and incomplete faith, but faith compared to any non-Christian religion...”), he does not propose a solution specifically for Judaism. In this he is more keen to follow the paradigm of *Nostra Aetate* than to identify its shortcomings. See also G. D’COSTA, P. KNITTER, & D. STRANGE, *One Way to God? Three Christian Responses to the Uniqueness of Christ in a Pluralistic World*, London, 2011; G. D’COSTA, ‘Tradition and reception: interpreting Vatican II’s ‘Declaration on the Church’s Relation to Non-Christian Religions’, in *New Blackfriars*, Vol. 92, July 2011, 484-503.

⁵¹⁸ For example, see A. H. BAUMANN, ‘The Two Ways / Two Covenants Theory’, in *Mishkan*, 11, 1989, p.36; D. NOVAK, ‘The Covenant in Rabbinic Thought’, in E. B. KORN & J. T. PAWLIKOWSKI (EDS), *op. cit.*, p.77. The question was posed as to whether or not Torah should be taught to a Gentile. Maimonides said that it could to a Christian, but not to a Muslim. The reason given is that the Christian accepted the Hebrew Scriptures in their entirety as a revelation of God, whereas for the Muslim, they are intrinsically flawed.

⁵¹⁹ L. GOLDBERG, ‘Are There Two Ways of Atonement?’ in *Mishkan*, 11, 1989, p.10, “However, only beginning in the 1950s and certainly by the 1970s has the weight of Rosenzweig’s work been recognized by Jewish leaders in their dialogues with Christian leaders. The former now have a tool by which they can persuasively insist that Judaism and Christianity have equal and valid paths of the truth in revelation.”

⁵²⁰ For his background and a history of his near conversion see the introduction to N. N. GLATZER, *Franz Rosenzweig: His Life and Thought*, New York, 1967.

within that same Judaism. Rosenzweig accepted that for the Christian there was no means of getting to the Father, except through the confession of Jesus as the Lord. However, for the Jew the situation was fundamentally different. He wrote to a friend that, ‘...the situation is quite different for one who does not have to reach the Father because he is already with him.’⁵²¹ This twofold element of Rosenzweig’s thought continues and is developed in his monumental work, *The Star of Redemption*;⁵²² namely that while Christ is normative for Christianity, Judaism has no need for Christianity’s founder. To explain the connection between the two faiths, Rosenzweig used the image of the Shield or Star of David. This symbol brings the whole of his theology together. The Star is comprised of two intersecting triangles. Each of the points on the two triads represent elements of Rosenzweig’s theology: God, the world, and the human being; and creation, revelation, and redemption. The centre of the Star is Judaism, ‘...the undifferentiated collective of the Jewish people’, and the points or rays of the star was ‘...the image of the exterior that points to the perpetually expanding collection of individuals called Christians who are on the Christian way.’⁵²³ The two groups of people, Jews and Christians, though descriptively connected in the image of the star, exist in two different ways for Rosenzweig. Judaism lives outside time, in eternity, ‘Time has no power over it [the core of the star, Judaism] and must roll past. It must produce its own time and reproduce itself forever.’⁵²⁴ This generative power within Judaism is an eternal life which comes about through physical procreation, and the Jewish individual is submerged into the collective whole. By contrast, Christianity does not exist out of time, and does not perpetuate itself through physical generation. Christians are called out of the nations and peoples and are formed as one through their faith; because they have the same object of belief, namely Christ Christians remain as individuals, but are constituted as a group through their shared profession of faith. In Rosenzweig’s system, for the Christian, time is sequential, and the goal is to be liberated from this. This is done, thought Rosenzweig, by Christians having a different appreciation of time, which helps to release Christianity from simply being affected by time like the pagans. In the period between the Incarnation and the Second Coming, Christians experience an eternal now, an eternal present, which aligns them with the a-temporal nature of Judaism. Rosenzweig uses the image of a stream, a train and a bridge to describe this.⁵²⁵ Judaism stands on a bridge, observing but outside the things that are happening. It is the Jewish Law which raises it from time into the eternal. The stream is an undifferentiated past, present and future, inexorably going on its way, sweeping all in its path. Christianity is a train on railway tracks beside the stream. It comes from the Incarnation and ends at the Second Coming. It has purpose and

⁵²¹ A Letter to Rudolf Ehrenberg, October 31, 1931, quoted from N. N. GLATZER, *Franz Rosenzweig: His Life and Thought*, New York, 1967, p.314.

⁵²² F. ROSENZWEIG, *The Star of Redemption*, London, 1971.

⁵²³ N. M. SAMUELSON, *A User’s Guide to Franz Rosenzweig’s Star of Redemption*, Richmond, Surrey, 1999, p.274.

⁵²⁴ F. ROSENZWEIG, *op. cit.*, p.298.

⁵²⁵ *Ibid.*, pp.338ff.

direction, and reduces the power of undifferentiated time into an eternal now of the presence of Christ. Judaism is a point, eternally small, and Christianity is a line, a way, to God. Rosenzweig says:

Eternal life [Judaism] and eternal way [Christianity] are as different as the infinity of a point and the infinity of a line. The infinity of a point can only consist of the fact that it is never erased; thus it preserves itself in the self-preservation of procreative blood. The infinity of a line, however, ceases where it would be impossible to extend it, it consists of the very possibility of unrestricted extension. Christianity, as the eternal way, has to spread even further. Merely to preserve its status would mean for it renouncing its eternity and therewith death. Christianity must proselytize.⁵²⁶

By this description of Judaism and Christianity, Rosenzweig sums up the essential elements of both faiths: Judaism is defined by race and blood, called to an eternal relationship with God through the Torah, while Christianity is defined by its calling men and women from the world to follow God on the way. Rosenzweig acknowledges that Christianity must evangelize and more specifically must attempt to convert the Jews.⁵²⁷ However, both are elements of the Star of Redemption; Judaism the eternal fire, Christianity its eternal rays. Each in their turn have their own areas of responsibility.

The synagogue, which is immortal but which stands with broken staff and bound eyes, must renounce all work in this world, and muster all her strength to preserve her life and keep herself untainted by life. And so she leaves the work in the world to the church and recognizes the church as the salvation for all heathens in all time.⁵²⁸

At the end of time, the two will each lose their distinctive features, and will be one: "Then, [on that Day] when Christ ceases to be the Lord, Israel will cease to be the chosen people. On this day, God will lose the name by which only Israel calls him; God will no longer be 'its' God."⁵²⁹

This view of the relationship between Judaism and Christianity is nuanced and it allows Christianity its own place and its own purpose in Rosenzweig's theology. We can see how such a view would ultimately influence the later development of dual covenant theology. Both Jews and Christians are connected by their witness to the Hebrew Scriptures, and it is because of this that Christianity is a true revelation of God. In this sense, then, Christianity is subordinate to Judaism, but the elegance of Rosenzweig's system is that each has its own role. Judaism exists, while Christianity converts. However, at the heart of this system is the belief that Judaism has no need of Christianity. God needs Christianity to bring the world to Him, the rays must shine in the world, so that His purpose is complete, but the Jews do not

⁵²⁶ *Ibid.*, p.341.

⁵²⁷ Rosenzweig, quoted from N. N. GLATZER, *op. cit.*, p.344, "The church knows that Israel will be spared until the last day when the last Greek has died, when the work of love is completed, when the Day of Judgment, the day whereon hope reaps its harvest, dawns. But what the church admits of Israel in general she denies the individual Jew. So far as he is concerned, the church shall and will test her strength in the attempt to convert him."

⁵²⁸ Rosenzweig, quoted from N. N. GLATZER, *op. cit.*, p.342.

⁵²⁹ Rosenzweig, quoted from *loc. cit.*

need the rays from the Star of Redemption.⁵³⁰ Rosenzweig's theology has Judaism at its centre, and needs to deal with Christianity only because of history. Indeed, we could say that it is history which drove the development of a theology which incorporated Christianity for fear of what Christianity unleashed would do. Although using the Incarnation as the means whereby Christianity can participate and at the same time be liberated from Rosenzweig's idea of time (again prioritising the position of Judaism with respect to Christianity), it cannot be said that there is any developed Christology corresponding to a normative form of Christianity. However, it would be unfair to expect a man who chose Judaism over Christianity to give greater emphasis to a theological belief system which he rejected, so we should not be surprised that his concern is the relationship between the two faiths rather than the intricacies of Christology. However, I use Rosenzweig as an indicator to where dual covenant theology leads, namely a downplaying of the role of Christ, and a modification of Christology to the extent that the unique role of the Incarnation, and the Church, becomes something quite different to mainstream Christianity.

A Christian protestant theologian influenced by Rosenzweig was Paul van Buren. Although it may seem an odd choice to present a protestant theology at this point, as opposed to something connected with Catholicism, but I do so because van Buren attempts to develop a complete systematic theology based on dual covenant foundations. In this he shows an honesty and clarity which would be difficult within Catholicism. I wish to look at van Buren's system, not as an exposition of an ecclesiology, but as an example of where we end up, if we follow the dual covenant trajectory. At the very least, this should serve to highlight problems which Catholicism would encounter if it similarly presupposed certain versions of covenantal theology. Van Buren attests to his relationship with Rosenzweig's ideas, and his connection with Rosenzweig came after hearing Rosenzweig's theology of creation. He says, "The task confronting me -- indeed, confronting the whole of theology and the whole of the church, if it were ever to notice it -- was therefore to understand and interpret what God had done in Jesus Christ that had resulted in the concurrent existence and history of the church and the Jewish people. Both were there, side by side. I had to understand how this had come about."⁵³¹ The result was that van Buren wrote a three-volume systematic work of theology from this starting point.⁵³²

⁵³⁰ M. G. BOWLER, 'Rosenzweig on Judaism and Christianity: The Two Covenant Theory', in *Mishkan*, 11, 1989, p.2.

⁵³¹ P. M. VAN BUREN, 'Probing the Jewish-Christian Reality', downloaded from religion-online.org, <http://www.religion-online.org/showarticle.asp?title=1721>; also P. M. VAN BUREN, *A Theology of the Jewish-Christian Reality*, Volume II, San Francisco, 1983, p.xv, "This is a work of Christian theology as I believe it needs to be done once the church has confessed the continuing validity of the covenant between God and the Jewish people."

⁵³² We can see the development of Van Buren's thought, from his earlier work, *The Burden of Freedom*, New York, 1976, to the *Theology of the Jewish-Christian Reality*. However, the change is one of systemisation, rather than a development in theological position.

His first volume, 'Discerning the Way', deals with the identity of Israel. Van Buren envisages history as a path or a 'way', and describes the journeys on it. First there was the way of Abraham, followed and continued by the way of Israel. When the way of the Church came along, this was not continuous with the way of Israel, but rather followed its own path, walking side by side with Israel. Finally, van Buren describes, though briefly, the way of Ishmael. He states, "Our Way began among Jews and was first walked only by some of them but, within a remarkably short pace down the road, the Jews were to be found walking the Way in their own manner and we Gentiles were left to find a distinctive path."⁵³³ Within this description we can see a familiar trope of the parting of the ways. Van Buren puts the parting down to the exclusive claims made by both Christians and Jews at this point in their respective development, namely that they and they alone worship, and in a sense, possess God.⁵³⁴ Whereas Rosenzweig's view was that Christians really worship the God of Israel and little more, van Buren, as a Christian, develops this and describes the Blessed Trinity not as derivative from the God of Israel, but rather as a primary doctrine; not just something that exists for Christianity. This is important as it seems to indicate that for van Buren there is a fundamental 'truth' of Christianity, a revelation of the nature of God Himself, which is not found within Judaism. If we are following a single covenant model, the primary revelation, reflected in the primary covenant, could not easily be identified with Judaism if there is a different, more exact, revelation of God's nature in Christianity. However, van Buren does not seem to pursue this idea to its end, and allows a self sufficiency in Judaism which exists apart from the Trinity, with the 'primary doctrine' being only a means whereby the Gentiles may enter the Church:

It is one thing for the Jews to call upon God as father and to know Him immediately and always as their God. That is their right and duty because of their election... For Gentiles to call upon this God is another thing, a strange thing, which can only happen because God has made toward them a further movement and has drawn them to Himself in a further way.⁵³⁵

Although van Buren is at pains to say that this revelation of the nature of God is primary, and not derivative, it seems that primary is not essential for Judaism. Here, in van Buren's theology, we can see a basic issue resurfacing; does Christianity add anything essential to Judaism, or is Christianity merely Judaism for non-Jews? Although we identified this in the options presented for dual covenant theology, outlined above, we can see that it affects the basic Christian concepts of both the nature of Christ and the Holy Trinity. Depending on the position one takes on covenant/s, the outcome will be radically different. If the identity of the Trinity is not clear in relation to Judaism, then van Buren will also

⁵³³ P. M. VAN BUREN, *A Theology of the Jewish-Christian Reality*, Volume I, San Francisco, 1980, p.3.

⁵³⁴ *Ibid.*, p.33, "That is, both the Christians and the Jews have been saying all along and of precisely the same One, that He is *their* God, not as a possession, not in an exclusive sense [...] but nonetheless theirs by reasons of a special relationship of love and concern. Consequently, both the Christians and the Jews have been convinced that the Way in which they walked, differently as it has been understood by each, is God's Way. Both the church and the Jewish people, then, each in its own way, have made parallel claims which both have mistaken as mutually exclusive."

⁵³⁵ *Ibid.*, p.69.

similarly run into problems with the history of the Incarnation, and thus, with interpretations of Christology. For van Buren, ‘the Jew, Jesus of Nazareth’ is the means whereby the God of Israel makes Himself known as the God of the Church. It is through Jesus’ manifestation of the will of God, that the Gentiles can call God their father, along with the Jews. It is unclear, however, how much of this was known to Jesus. Van Buren paints a version of history in which the historical Jesus may or may not have made Messianic claims, though He was crucified as a kind of Messiah by Pilate. The decisive moment was the experience of the Apostles after Easter.⁵³⁶ This experience changed what the Apostles thought Jesus was and had been. “He was for the Jewish disciples Israel’s messiah.”⁵³⁷ This led, in van Buren’s version of history, to the rereading of the Scriptures. The Apostles found therein a series of prophecies which gave meaning to their own experiences of Jesus’ resurrection. Experience led to rereading, which now led to new beliefs. This early group of believers used the term ‘son’ to indicate the specific and exemplary relationship of Jesus to God, and through the expansion of the meaning and symbolism of being a ‘son of God’, they found the means of bringing the Gentiles into a relationship with the God of the Jews. “Because this one son [Jesus] has claimed and loves us Gentiles as his younger brothers and sisters, so we are called to love the Jews as also our elder brothers and sisters.”⁵³⁸ For van Buren, however, this was a later development which grew out of the history of the ‘Jew, Jesus of Nazareth’. Indeed, it was a deformation of the story. Messianic claims had been developed into a theology of the Son of God, which would later become the fully-fledged Christology of the first centuries. For van Buren, there was a wedge between the ‘historical’ Jesus, and the ‘theology’ that He became. The true significance of Jesus was that He was the way in which the Gentiles could be incorporated into the worship of the God of Israel, but this was not Jesus’ intention.⁵³⁹ In van Buren’s theology, Jesus is the personification of the perfect Jew, showing the Gentiles how to worship God, and allowing them the means whereby they may do so. The split in the Way came about when Christians took this belief and made it exclusive by elevating beliefs about Jesus and claiming for Him, according to van Buren, a status of divinity which Jesus Himself had neither claimed nor possessed. As time passed, not only did this new Christology develop, but it brought with it a whole theology of Redemption which was at odds with the view of redemption in Judaism. As the messianic hope faded into the distance and Jesus did not return immediately, so the new Christian community retreated from looking for the imminent second Coming, and focussed on the first; the coming of Jesus in the flesh. Salvation, in van Buren’s account, now became a function of the Incarnation. Objective salvation had been achieved, as the Incarnation had taken place, and thus salvation was transformed into an exclusively Christian affair. It left behind the Jewish idea of redemption as the repair and perfection of

⁵³⁶ See ID., *The Burden of Freedom*, New York, 1976, pp.87-111.

⁵³⁷ ID. *A Theology of the Jewish-Christian Reality*, Volume I, p.80.

⁵³⁸ *Ibid.*, p.82.

⁵³⁹ *Ibid.*, p.85, “He [Jesus] was and is a man, a Jew, not a second God, heaven forbid, not a deified man, but just a man. Only the Lord is God.” “For us Gentiles in the Way, then, Jesus is not the Lord, but our Lord, the one Jew who has given us access to the God of the Jews.”

creation and transformed it into the attainment of an otherworldly paradise; "...the hope has been not that the reign of God would begin on earth, as in heaven, but that we would leave the earth to go to heaven. Not a coming kingdom, but a going church, going from this vale of tears to be with Jesus in the heavenly places."⁵⁴⁰ For van Buren, the corrective to this view of salvation is to return to the Jewish concept of the restoration of creation; the deformation must be changed.

Van Buren's second volume, 'A Christian Theology of the People of Israel', develops his theology of the incorporation of the Gentiles. Here, the decisive moment is the preaching of Saint Paul. We can see in the historical construction that van Buren proposes, that this Pauline message was different from the original message of Christ. The Church, after St Paul, made different demands on the Jews,

The Gospel met the Gentiles as a demand to abandon their pagan ways and the service of gods that are not God. The Gospel met the Jews, as the church after Paul's time preached it, as the demand to abandon the express commands and covenant of the very God whom the church proclaimed!⁵⁴¹

The development of a nascent Christology, moving Christ from a form of Jewish Messiah to a Christian God incarnate, changed the basic message that the early Church was preaching, with severe consequences for the Jews. This, for van Buren, was a fundamental shift.⁵⁴² The consequences, however, were not only for the Jews. Once the split had taken place, in van Buren's version, then Christianity would be free to change into whatever it wished. It could forge its own way. It would develop away from its beginnings in the life of the Jew, Jesus. There was now a fundamental difference between the great moments of revelation in Judaism and Christianity, "The relationship between the Creator and his creation which Israel discovered in the Exodus by way of Sinai, the church of Jesus Christ has discovered in a different way, namely in Easter by way of the Spirit."⁵⁴³ For van Buren this is the fundamental purpose of Christ, the incoming of the Gentiles. All the Jews could do was to return to God, but the Gentiles were called to a new relationship with God for the first time. This, of course, has serious implication for the nature of the Church and her relationship to the Jews. Like Rosenzweig, van Buren places mission at the heart of the Church's activity, even in relation to the Jews. But unlike Rosenzweig, van Buren distinguishes between the mission to the nations of the world, and the mission to the Jews. In reading Rosenzweig, one may think that the role of the Church is a blanket mission, and the role of the Jew is to resist that mission, thus being confirmed in their identity. This should not come as much of surprise, as this mirrors Rosenzweig's own near conversion experience. Van Buren,

⁵⁴⁰ *Ibid.*, pp.192-193.

⁵⁴¹ *Id.*, *A Theology of the Jewish-Christian Reality*, Volume II, San Francisco, 1983, p.34

⁵⁴² *Ibid.*, p. 39 "A part of the task of a Christian theology of the Jewish-Christian reality is to point out that the term 'Messiah' has never been central to the church's confession of Jesus Christ, not to speak of such a neologism as 'Jesus as the Christ,' and that in the terms 'Son,' 'Word,' and 'Lord' it was long since developed concepts that can do the job far more adequately."

⁵⁴³ *Ibid.*, pp.52-53.

however, does not lay the impetus to resist the missionary activity at the Jews' door, but suggests rather that Christianity's mission to the Jews is something fundamentally different from Christianity's mission to any other group of people. "The church... is defined by its mission. In all that it is and does, it lives in this sending. [...] Its relationship to the Jews will therefore also be that of a mission, unavoidably set in the context of its having been sent to the nations."⁵⁴⁴ Van Buren likens this to a diplomatic mission, and as missions differ according to the countries involved, so the mission to the Jews is absolutely different from anything else. This mission should not be concerned with conversion, especially in the cases of mixed marriages,⁵⁴⁵ and the relationship brought about by this mission should be one of service. The Church should protect and defend the Jews against those who would do them harm.⁵⁴⁶ This is a very interesting aspect of van Buren's theology. The nature of mission to the Jews, or the lack of such a mission, indicates something of the essential nature of the relationship of Christianity and Judaism. That van Buren rejects conversion as a goal of mission with regards to Judaism, as opposed to other groups, can raise the question of whether this is mission at all. For van Buren this rejection of the goal of conversion, is entirely consistent with the covenantal foundation with which he began. It is an interesting conjecture that if we find such a radical redefinition of mission so as to exclude conversion as an end (even one among many), we may also find the basic covenantal assumptions. When mission ceases to be mission, does this indicate covenant theology at play?

Van Buren's third volume, *Christ in Context*, among other things addresses the issue of Christology. As we have said, a redefinition of Christology and soteriology is often a sign of covenantal theology, and so we would expect the same in van Buren's system. In the same way that van Buren separated the development of Christianity from the message of Christ, so he splits the historical development of Christology from its beginnings. This Christological development is doomed to corruption as it was formed in 'a long history of Christian anti-Judaism, and also of pride and patriarchalism'.⁵⁴⁷ By using the version of history which he has already set up, van Buren places this change in Christology at the point where the young church moved from being a faithful witness to the God of Israel, to being a new community emphasising its independence, and scorning its roots. Once this split has taken place, van Buren says that both groups suffered. Neither Christianity nor Judaism engaged in the historical aspects of their faith, Judaism being caught up in the thoughts of the Rabbis, and Christianity in sterile Christological formulations.

However, it would be exceedingly difficult for van Buren to hold these views of the beginnings of Christianity and at the same time have any positive view of Christianity at all. In his narrative,

⁵⁴⁴ *Ibid.*, p.329.

⁵⁴⁵ *Ibid.*, p.340.

⁵⁴⁶ *Ibid.*, p.335.

⁵⁴⁷ ID., *A Theology of the Jewish-Christian Reality*, Volume III, San Francisco, 1988, p.38.

Christianity has moved so far from her founder as to harm and damage the one people to whom she was related and whose God she worshipped. The temptation in such an account would be to deny that God was providentially guiding the Church after the resurrection of Christ. In fact, if one were not a Christian, and were presented with van Buren's historical account, then this would be a reasonable conclusion to reach. There is a fundamental problem with having the incorporation of the Gentiles as the primary purpose of Christ's coming, if, as soon as those same Gentiles are given the opportunity to worship God in the way He wishes, they immediately attack the Jews from the Church that they have just created. In what way could this be a part of God's plan? Van Buren attempts to get around this problem by employing a kind of process theology, in which God reacts to human actions, responding to historical events to form a new plan, a new moment in the game of the covenant.

The merit of the covenantal model of thinking of the divine economy or purpose is that it makes it possible to see the response of so many Gentiles to the preaching of the Jewish apostles and Paul's own creative interpretation of his calling as providing opportunities, not all planned in advance, for God to bless and encourage with his spirit a movement that could serve the cause of the restoration of God's creation, understood as God's underlying but unspecific intention all along.⁵⁴⁸

For van Buren, God creatively uses the actions of St Paul, which, objectively, seem to be trying to thwart His previous plan. This brings about the inclusion of the Gentiles in a way which has not been present before. There are obvious implications which come from the inclusion of a form of process theology at this point. However, it seems a complicated way to provide a solution for a situation which is entirely of van Buren's own making.

We may now begin to draw some conclusions from van Buren's 'Theology of the Jewish-Christian Reality'. From it, also, we can identify the typical problems such an endeavour is going to encounter. Fundamentally, these centre on the figure of Christ as a historical person, and also the Christology which is developed to describe Him.⁵⁴⁹ Already in this statement we can see a distinction between the historical and the Christological Jesus: the Jesus of history and the Jesus of faith. The fundamental assumption is not that a new formulation of Christology is needed to present the Incarnation in new terms and a new language, but rather that there are two different things being described: one, the historical Jew, Jesus; the other, the object of devotion in the Church. One corresponds to someone in history, a person about whom enquiry can be made, and facts ascertained, while the other refers to an intellectual process which presents a theology which satisfies a series of historical needs. One is objective, namely Jesus, and the other is subjective, namely the way in which a group of people describe something which they take as a reality. The subjective is open to change, while the other, in theory, is

⁵⁴⁸ *Ibid.*, p.186.

⁵⁴⁹ R. REUTHER, R., *Faith and Fratricide*, Eugene, Oregon, 1997, has been influential in identifying Christology as a central issue in Catholic-Jewish dialogue, as her insistence that Christianity, as it is currently conceived, is intrinsically anti-Judaic.

not. The ‘search for the historical Jesus’ – an ultimately unachievable activity – must be given priority over the ‘christological’ way in which He is described, by the very way in which the argument is framed.⁵⁵⁰ Once the parameters of the debate have moved from ‘do classic formulations of Christology adequately function to convey a reality to the person of today’, to ‘what Christology do we need to describe Jesus, the man about whom I am speculating’, then classic Christology no longer finds its roots in reality, and may be summarily axed. We should not be surprised, then, to find that any Christology which springs from such a position will be governed by the reconstruction of the historical Jesus, which in turn is governed by the biases that were brought to the search in the first place. The referent of this new Christology is the constructed fiction of the person of Jesus. Although this is a general point, we can see it in van Buren’s work. The problems which come from this concern the divinity of Christ.⁵⁵¹ For van Buren this arises from a loss of the sense of the historical Jesus, to which is then added a misunderstanding of redemption. This now depends on the incarnation, rather than the incarnation findings its place in the wider picture of the restoration of creation. Classic, developed Christology deepens this by prioritising the divine over the human elements in the person of Christ, and associating the identity of Jesus too closely with God, and not Israel. For van Buren, to ascribe divinity to Christ, in the way that Christian Christology does, automatically elevates it/Him above Judaism in particular and the nations in general. If single covenant theology prioritises the Jewish covenant over the Christian, then Christology can only ever be subjective. If single covenant theology prioritises Christianity, then the version of history which puts forward a parting of the ways, and the subsequent development within Judaism, must come to terms with the uniqueness of Christ.

We can then also look at van Buren’s treatment of covenant, as it would seem that this should play a large part in his theology. In fact, although covenant has a special role, it is not central and is only one way in which van Buren describes God’s ongoing plan/relationship with Israel, with Jesus the Jew, with the Church and finally with everyone. For van Buren, covenant is the way in which God relates to the world He has created and to Abraham whom He has called. This is a gratuitous gift by God to which Israel responds, “Living by Torah is Israel’s grateful response to the covenant of grace made with Israel at Sinai by its Creator and Redeemer.”⁵⁵² Living with and for God, which is Israel’s role, is done under the terms of the (Sinaitic) covenant. However, in order to incorporate Christianity, this view of covenant could never be static; Christianity does not follow the rules for life which were given by God to Moses. Van Buren inserts a dynamism within covenant which allows it to move, as it were, from one phase to another, but without a diminution of that previous phase. Van Buren finds this essentially within the

⁵⁵⁰ An interesting twist on the problem here faced is given by C. M. WILLIAMSON, *A Guest in the House of Israel*, p.188, “Christologies warranted by the appeal to the historical Jesus are anti-Jewish because such Christologies tacitly assume the uniqueness of Jesus and seek to establish that uniqueness in the only way they can, by setting Jesus apart from and against this entire Jewish context.”

⁵⁵¹ See P. M. VAN BUREN, *A Theology of the Jewish-Christian Reality*, Volume III, p.236.

⁵⁵² ID., *A Theology of the Jewish-Christian Reality*, Volume II, p.76.

idea of covenant in the Old Testament itself, “Israel affirms that the covenant will stand, but not necessarily that it will stand still.”⁵⁵³ The blessing of the world will come through the covenant with Abraham, and by living out the covenant of Sinai. The relationship between the covenants is not simply one of identification for van Buren, though it seems that Sinai presents a high-water mark.⁵⁵⁴ The covenants are related, though different, thus the Old Testament is ‘renewed’ with Christ, opening the way of salvation to the Gentiles, but, at the same time, there is the development of Judaism into its Rabbinic form. When God used the change initiated by St Paul, and brought to its conclusion by the Gentile governance of the Church, then the covenant develops in the Christian way, alongside the Jewish/Rabbinic covenant. For van Buren, God uses the Gentile defamation of His covenant for the same, original, ends, namely that the Gentiles will worship the God of the Jews. However, the consequences of the Christian separation of their way from the way of the Jews will be played out in history with the terrible consequences which would culminate in the Nazi regime.

In van Buren’s theology, this new idea of the Christian expression of the covenant is in fact defective from its beginnings as it veers from the covenant which God had made with the Jews. It is a continuation from within Judaism, and should and can only find its true meaning there.⁵⁵⁵ “It seems best to say that there is the one eternal covenant between God and the Jewish people, that Jesus is portrayed by the Apostolic Writings [the New Testament] as standing within that covenant, and that his Church is invited to hold onto him as its way into discovering the gift of the love of God and the claim upon them to love all whom God loves...”⁵⁵⁶ And concerning the Christian expression of the covenant, van Buren asserts that it is no more than a codicil which provides a certain function – the inclusion of the Gentiles.

We know that a codicil has been written to God’s covenant with His people for the sake of His creation. Our names are inscribed on that codicil. It is not a new will which could replace the original. God is not faithless. His covenant with His people stands. But there is now a codicil which adds to the Way for His people, a possibility for gentiles to walk in their own manner in His Way.⁵⁵⁷

Christ has become the instigator of a codicil, a codicil which will include any and every religious movement.⁵⁵⁸

⁵⁵³ *Ibid.*, p.120.

⁵⁵⁴ *Ibid.*, pp.154 & 155, “The covenant of Sinai is, as it were, built on the covenants with the patriarchs.” “There is never any suggestion in Israel’s testimony, however, that these [further covenants after Sinai] were other than further expressions of Israel’s Sinaitic relationship with God.”

⁵⁵⁵ C.f. M. WYSCHOGROD, ‘A Jewish Perspective on Incarnation’, in *Modern Theology*, 12:2. April 1996, p.205, “Basically, I suppose, I am motivated by a feeling that in some sense Christianity is part of Greater Judaism.”

⁵⁵⁶ P. M. VAN BUREN, *A Theology of the Jewish-Christian Reality*, Volume III, p.147.

⁵⁵⁷ *Id.*, *A Theology of the Jewish-Christian Reality*, Volume I, p.159.

⁵⁵⁸ *Id.*, *A Theology of the Jewish-Christian Reality*, Volume II, p.120, “The biblical expression which Jesus is said to have used, ‘the finger of God,’ says it all: God does not work by a broad sweep of the arms; God puts a finger, one finger, on one people, just so, just here. And the church, chosen to confirm Israel’s witness, must say ‘Amen.’ Does the church know of any God other than the One whose finger was placed precisely on the Jewess Miriam (Mary)? In the light of this understanding of the particularity of God’s finger, we shall have to ask whether we

This critique of van Buren's theology is not an end in itself, and makes no judgement on his theological endeavour, rather it seeks to show that by starting with the continuing validity of the Jewish covenant, and pursuing the dual covenant theology route, even in its single covenant form, then we will arrive at a radically non-traditional version of Christianity, which relativises the role of Christ in terms of His identity, and results in a changed Christology and soteriology. This covenantal approach may either be the starting point, as is the case with van Buren, or else it may be the means by which to bring about these fundamental changes in the essentials of Christianity.⁵⁵⁹

A distinction was made at the beginning of this section between single and dual covenant. It is easy to see how van Buren and Rosenzweig fall into the single covenant category. A different, and more radical dual covenant can also find its place in the theology of the 'Parting of the Ways', which has been discussed above. Elements of this third option, the dual covenant which leads to pluralism, are found in van Buren's theology, when he discusses the split between Judaism and Christianity. In the version of history put forward by the 'Parting of the Ways', Judaism and Christianity emerged from a common stock.⁵⁶⁰ The covenant of the Old Testament, the parent religion before the emergence of either faith, was then expressed/experienced in their various different ways. At first sight, this idea could provide an inclusive theology, in the sense that this parent covenant is limited to its further life in Judaism and Christianity, which at the same time could preserve their difference. However, as outlined above, it would still be open to a specific claim of Islam, and the general claim of the universal access to salvific revelation for all people. Covenantal theology in this sense of two distinct though related covenants still has to address the question of the relation of the Jewish to the Christian covenant and vice versa, if it is not to fall into a multi-covenant pluralism.⁵⁶¹ Eventually, the basic questions of Christology and soteriology have to be faced.⁵⁶²

can say that the Muslims, for all of their universalizing tendency, do not bear witness to that same one finger laid on the lips of the Prophet. Even the Eastern traditions of China and India, with their hesitancy of speaking of God at all, nevertheless look to the teachings of quite particular individuals, a Gautama, a Lao-tzu." Also P. M. VAN BUREN, 'Covenantal Pluralism?', in *Crosscurrents*, vol. 40, no.3, p.339.

⁵⁵⁹ M. GLASER, 'Critique of The Two Covenant Theory' in *Mishkan*, 11, 1989, p.55, "The Two-Covenant theory, Jewish in origin, was "transferred over" to the Christian community. Liberal theologians would not denounce it as the bastardization of the doctrine of salvation, since they themselves had long since departed from an orthodox soteriology, largely viewing salvation in terms of saving a whole society by social means. This shift in soteriology had already taken place within the World Council of Churches."

⁵⁶⁰ *Inter alia* c.f. D. BOYARIN, *Border Lines: The Partition of Judeo-Christianity*, Philadelphia, 2004. M. C. BOYS, *Has God Only One Blessing? Judaism as a Source of Christian Self-Understanding*, Mahwah, New Jersey, 2000.

⁵⁶¹ C. A. BLAISING, 'The Future of Israel as a Theological Question', in *Journal of the Evangelical Theological Society*, 44/3, September 2001, p.441, argues that Dual Covenant theology actually comes from pluralism, "Actually, dual-covenant theology takes its primary orientation not from the Bible but from modern pluralism... Why? Because both Israel in the Tannach and the Church in the NT were profoundly exclusive – not of other peoples, but of other religions."

⁵⁶² A proponent of this view would be F. MUSSNER, *Tractate on the Jews: The Significance of Judaism for Christian Faith*, London, 1984. Mussner links Christ to Judaism but does not allow Him to fulfil it, rather relying

How, then, does this relate to the Vatican documents on relations with the Jews, and specifically to the most recent document, *The Gifts and Calling of God are Irrevocable*? It seems at first sight that they are far removed from one another. The theology which I have been considering was either written by a Jew or a Protestant, not from within a Catholic theological framework. We also have the statements from the plain text of *Gifts*; “The theory that there may be two different paths to salvation, the Jewish path without Christ and the path with the Christ, whom Christians believe is Jesus of Nazareth, would in fact endanger the foundations of Christian faith.”⁵⁶³ So it would seem that *Gifts* neatly sidesteps the dangers posed by the covenantal theology, and although stressing the unique relationship with Judaism at the expense of the other world religions, closes the door to pluralism. However, we have seen above that the text of *Gifts* in certain places, seems to be at odds with its overall basic theological foundations. These basic theological foundations, van Buren shares with *Gifts*. How can it be that the premises of post-Shoah Christianity lead on the one hand to the inclusion of validation of the salvific role of Judaism and the call for a radical redefinition of the person and role of Christ, while, on the other hand, in *Gifts*, which similarly comes from the same foundations, such conclusions are simply denied?

The wider dual covenant theology is based on a number of assumptions. First, that the covenant with Judaism is still valid, and that Christianity has to work out what that means for the Church. Second, that there cannot be mission directed to the Jews (*pace* Rosenzweig). Third, that current Christianity, in terms of its Christology and soteriology, must be modified to take into account the first two propositions. Irrespective of the statements of *Gifts*, mentioned above, we can see that each of these elements, upon which dual covenant theology is based (the validity of the first covenant and the rejection of mission), is found in *Gifts*. The abiding validity of the Old Testament covenant for modern Judaism is unequivocally expressed in *Gifts*.⁵⁶⁴ Indeed the whole of the document is based on that premise. Without this, the document would simply be reduced to a *status quaestionis* of a process of dialogue. This ‘status of the covenant’ is an essential part of both dual covenant theology and *Gifts*. However, we do well to remember that, as witnessed in the text of *Gifts* itself,⁵⁶⁵ this development does not come from *Nostra Aetate*, but from a particular reading of one statement of Pope John Paul II. *Gifts* also shares the second assumption of covenantal theology, namely that the Jews should not be the object of mission by the Christian Church.⁵⁶⁶ As pointed out above, it is difficult to justify this deviation from both Christian tradition, especially as expressed in *Ad Gentes*, except on the grounds of expediency. *Gifts*, it seems, shares both the insight and the conclusion of Rosenzweig, namely that as the Christians

on early Christianity limiting itself to only one Teacher, Jesus of Nazareth, and on the ‘unheard-of existential imitation of God by Jesus’, p.226.

⁵⁶³ *Gifts*, §35.

⁵⁶⁴ *Inter alia* see *Gifts*, §27.

⁵⁶⁵ *Gifts*, §39.

⁵⁶⁶ *Gifts*, §§37, 40.

worship the God of Israel, why would the Jews convert to worship the God whom they already adore?⁵⁶⁷ With the permanence of the Old Testament covenant, and the repudiation of mission, the question of the salvific agency of the Jewish covenant must be addressed. Dual Covenant theology, in the forms that we have examined, generally states that the Jews are saved through their faithfulness to the Covenant. *Gifts* seems at first sight to reject this: “Therefore there are not two paths to salvation according to the expression ‘Jews hold to the Torah, Christians hold to Christ’. Christian faith proclaims that Christ’s work of salvation is universal and involves all mankind.”⁵⁶⁸ “The Church is the definitive and unsurpassable locus of the salvific action of God.”⁵⁶⁹ Yet, the first quotation continues “God’s word is one single and undivided reality which takes concrete form in each respective historical context”, and the second “This however does not mean that Israel as the people of God has been repudiated or has lost its mission”. When *Gifts* stresses the unique salvific reality of Christ, it then continues and reinforces the role and the connection with Judaism. Even if this were not the case, *Gifts* puts forward a continuing, explicit role for Judaism within the work of salvation itself, even if that only finds expression in being a corrective to Christianity.⁵⁷⁰ The exact role of Judaism in God’s plan, though asserted, is eventually simply pushed to the eschaton.⁵⁷¹

We should also repeat that van Buren’s and *Gifts*’ version of the history (in broad terms) of the parting of Christianity and Judaism from a common stock, is found in versions of dual covenant theology.⁵⁷² *Gifts* in no way speaks of Christianity as a deformation of the faith in the way which we saw above, though it does say that Judaism can open the reality of the historical Jesus to the Church.⁵⁷³ But what of the conclusion that these foundational positions lead to a re-evaluation of Christology and soteriology? *Gifts* reinforces traditional soteriology, although the unfolding of what the implications will be for Judaism are placed firmly in the future. However, the implications of the phrase, “Without her Jewish roots the Church would be in danger of losing its soteriological anchoring in salvation history and would slide into an ultimately unhistorical Gnosis”⁵⁷⁴ could be taken to mean that a correct relationship with

⁵⁶⁷ *Gifts*, §24, “By observing the Torah the Jew receives a share in communion with God. In this regard, Pope Francis has stated: ‘The Christian confessions find their unity in Christ; Judaism finds its unity in the Torah. Christians believe that Jesus Christ is the Word of God made flesh in the world; for Jews the Word of God is present above all in the Torah. Both faith traditions find their foundation in the One God, the God of the Covenant, who reveals himself through his Word. In seeking a right attitude towards God, Christians turn to Christ as the fount of new life, and Jews to the teaching of the Torah.’ (Address to members of the International Council of Christians and Jews, 30 June 2015).”

⁵⁶⁸ *Gifts*, §25.

⁵⁶⁹ *Gifts*, §32.

⁵⁷⁰ This is through the Rabbinic interpretation of Scripture, *Gifts*, §31, and through the church being grounded by Judaism in history, *Gifts*, §33.

⁵⁷¹ *Gifts*, §36, “That the Jews are participants in God’s salvation is theologically unquestionable, but how that can be possible without confessing Christ explicitly, is and remains an unfathomable divine mystery.”

⁵⁷² *Gifts*, §15.

⁵⁷³ *Gifts*, §14, “One cannot understand Jesus’ teaching or that of his disciples without situating it within the Jewish horizon in the context of the living tradition of Israel...”

⁵⁷⁴ *Gifts*, §13.

Judaism (both historically and in the present day) is essential for a correct understanding of Christ's saving action. As that relationship is only now being developed, it is valid to ask whether the Church's soteriology has been defective thus far, and also what it will become in the future. Christology in *Gifts* is seen as the key difference between Christianity and Judaism,⁵⁷⁵ and a misplaced or misused Christology can be dangerous.⁵⁷⁶ Although *Gifts* does not put forward any development in Christology, the connection between the pre-existent Torah and the Word of God is not clear, but may well have implications for Christology in the future.⁵⁷⁷

What then are we to make of the relationship between the most recent Vatican statements and dual covenant theology? Bearing in mind the caveats that there is no 'one' dual covenant model, and that *Gifts* holds within it a tension of unresolved positions, we can see that even so, there are obvious connections. These, I would say, lie in the fundamental assumptions lying behind both of these positions, namely the abiding covenant with the Jews, and the consequent redefinition/repudiation of mission. The manner of how this is described changes according to the model of the historical separation of the two faiths that you wish to employ. In its own way, *Gifts* presents a single covenant version in the manner of van Buren, but with one essential difference. For van Buren, Christianity is in reality a version of Judaism *manqué*; for *Gifts*, it is the other way round: there is one single covenant, and this is brought about in Christ, but Judaism participates in it in a manner which is unknown. The conclusion to this has to be that in this model, Judaism is Christianity *manqué*.

Herein is the tension in *Gifts*, a tension which is shown again and again in the formation of the documents from *Nostra Aetate* onwards. This tension is brought about by the unresolved nature of the position of Judaism in relation to Christianity. This can be addressed in terms of covenant, common parentage, sibling imagery, shared Scriptures, indeed, anything at all, but the basic question remains: do the Jews, as a religion/faith/group need Christ to be saved, or do they have another path? Dual covenant theology, even in its single covenant manifestation provides an answer, but it either liberates Judaism from Christianity (van Buren *et al.*), or it creates a theologically jarring series of juxtaposed statements which appeal to the eschaton for resolution (*Gifts*). Dual covenant theology, in any of its manifestations, provides an answer, but at the cost of essential elements of Christianity.

This section has served to highlight the dangers which come from the explicit inclusion of dual covenant theology into a system which purports to be normative. In the case of Catholicism, and the Church's statements following *Nostra Aetate*, we can see that by both forcibly stressing the permanent nature of

⁵⁷⁵ *Gifts*, §14, "Herein consists the fundamental difference between Judaism and Christianity, that is, how the figure of Jesus is to be evaluated."

⁵⁷⁶ *Gifts*, §30.

⁵⁷⁷ See *Gifts*, §26. Although this is speculation on my part, considering the use to which one phrase of Pope John Paul II has been put, this is not beyond the realms of possibility.

the Jewish covenant, and at the same time forswearing mission towards the Jews, the Church is producing something which looks very much like dual covenant theology. If this version of theology leads to a radical reappraisal of Christology then we should not ask how such an end is to be avoided, but if the premises which led us to that position were correct in the first place.

3.2 General Conclusion

This thesis began by looking at the idea of ‘covenant’ in the Old Testament. This was not by chance, as if to happen upon some discovery which would later prove useful, but rather because I believe that the relationship between Judaism and Christianity in general, and Catholicism in particular, is being shaped in recent documents by the use of covenant as the primary description of God’s relationship with Judaism, and also by covenant being used as the point of contact, the glue which attaches Judaism to Christianity. Although this may seem attractive, on closer examination it does not seem viable.

In order to use the irrevocable covenant in the way just outlined, we need to know what we are saying. Although the phrase comes from the New Testament, the irrevocable covenant describes the situation before that point, namely the relationship of God with His chosen people, described and attested to in the pages of what Christianity calls the Old Testament. *Gifts* uses the term covenant in a very specific way, and to assess whether that is a valid view, we must first examine the term in its proper context. If a theology is being built on this idea of covenant, we have to see if these foundations are strong. This is why I started this thesis by looking at the use of covenant in the Old Testament. Other scholars, of course, have done this before me, but that was often to promote or debunk a theory within Old Testament scholarship itself. I am not interested in the Old Testament covenant simply from a scholarly point of view, but rather with an eye on how it came to be used in the post-conciliar documents. What I outlined in the first section of this thesis was that the very concept of covenant was neither central nor fixed in either the text or the theology of the Old Testament. The Old Testament describes a number of covenants with individuals and people. What covenant as an idea became, was a convenient organising principle for trying to come to terms with a plethora of texts and types of material. This was skilfully done by Eichrodt and for a while became the touchstone of Old Testament theologies, both Catholic and Protestant, but, ultimately, Eichrodt’s overarching system was unsuccessful. How could any one term, any one idea, encompass material so divergent as proverbs and hymns, history and future prophecy, or law books and love poetry? But this drive to give the Old Testament a simplistic unity cast a long shadow, and, often without thinking, covenant was the content of that shadow. So, ‘How did God call those who would form the Jewish people?’ – by a covenant agreement; ‘How did God associate with these people whom He had formed?’ – through a covenant law; ‘How was God’s faithfulness to His choice of His people shown?’ – through His ignoring their unfaithfulness to the covenant.

We will never know how first century Judaism saw and described her relationship with God. Undoubtedly covenant would have played a part, but would it have played the part? Once covenant is seen as the glue which binds the whole of the Old Testament together, then it becomes something infinitely precious, for once it is dissolved, the unity of the Old Testament is threatened, and even more disturbingly, the people to whom that text gives witness no longer have a secure identity or place. If

covenant in the Old Testament is the primary way of describing God and the Jews, then they are the covenant people *par excellence*, but covenant must be transformed into something which transcends the individual covenants themselves. But this is not the case. This hypothetical role of ‘covenant’, be it paced in the immediate centuries after Christ, or even in present day, is not found in the Old Testament. If we take the text of the Sacred Scriptures seriously, then we cannot read into it theological ideas which are simply not there.

In the second section, we saw that if this idea of covenant, as a single, key, coordinating concept, is not biblical, then similarly it is not conciliar. The Fathers of the Second Vatican Council did not define Judaism in such simplistic terms. The formation of *Nostra Ætate*, which I have outlined, stresses the contingent nature of the text. There was no call from the Bishops of the world for a document concerning the Jews. Even in the final days of the Council, when the penultimate vote had been taken, the very existence of the document was in question. The contents of the text on the Jews were shaped by political controversy. It was passed from pillar to post; from ecumenism to the Church, back to ecumenism, then finally as a stand-alone document. The inclusion of the world religions was a last minute decision, dependent more on a new Pope’s agenda rather than the deliberations of Council Fathers. Judaism’s place was now firmly in *Nostra Ætate*, and *Nostra Ætate*’s concern was the world religions.

On one level, looking at the formation of the text of *Nostra Ætate* is simply an academic exercise. As I stated above, the text is the thing, not the way it came about. However, we would be foolish not to point out that the subsequent problems of interpreting *Nostra Ætate* and implementing it into the life of the Church stem, in no small measure, from that basic question of where to discuss the Jews. The Fathers steadfastly refused to deal with it as a political question. Judaism was a religious and theological issue and needed to be examined as such. It seemed at the time that the real problems were deicide and antisemitism. But perhaps they only masked the real problem facing the Church, namely ‘what is Judaism in relation to the Church’? We can read this into the unstable position of the original text in relation to other conciliar documents. The seeming resolution was Judaism’s inclusion in *Nostra Ætate*. But this resolution did not really deal with Judaism as a religion in itself, or its relation to Catholicism. By incorporating Judaism within *Nostra Ætate*, and thus within the spheres of the world religions, the Council not only failed to come to terms with Judaism, or Judaism *re* Christianity, but made the whole situation both more complicated and more confusing. The Council was successful in writing a document which rightly condemned, in a round about way, the charge of deicide, and which decried any form of discrimination, including discrimination against the Jews. But it was unsuccessful in dealing with the question *de Iudaeis*. Once the Jews, so intimately connected to the life of Christ and the Church and described so beautifully in chapter 4 of *Nostra Ætate*, were fundamentally placed in relation to other religions and not Christianity, then if Judaism were to preserve its unique place in Christian theology, further clarifications would be needed. This repositioning of Judaism is the central novelty in *Nostra*

Ætate, the central question which arises again and again when discussing the relationship between Christianity and Judaism. The implications of the expansion of the *Decretum de Iudaeis* to *Nostra Ætate*, from Judaism to the world religions, lingers like the spectre at the feast. This is the unresolved issue, but one which, I would argue, should never have been there in the first place. There was no need for Judaism to be discussed in reference to other religions, but once it had been done there were bound to be theological consequences. However, we must stress over and over again, that the Council Fathers, and most of all Cardinal Bea, an accomplished Old Testament scholar, did not strengthen the connections between Judaism and Christianity by simply reaching into their theological tool bag and extracting ‘covenant’ as a handy term to describe the Jews. Cardinal Bea knew of Eichrodt’s theology and influence, but Bea did not use covenant to classify Judaism in such a simplistic way.

Conciliar texts, however, are only of limited importance. It is their interpretation which can give flesh to their bones, and which can take them in ways which the Council Fathers never envisaged. While it can be argued that the post-conciliar initial documents concerning Judaism were developments of *Nostra Ætate*, I have argued that the more they revolved around the Papal phrase, of a ‘covenant never revoked’, the less they reflected *Nostra Ætate* or the Council Fathers. ‘Covenant’, presumed to be a marker of the ancient people whom God chose as His own in the pages of the Old Testament was merged with modern day Judaism, as a parallel to the way in which the Old and New Testament existed side by side in our Bibles. This ‘covenant’, bringing salvation in the New Testament, must perform the same function for the ancient Israelites and modern days Jews. For, after all, is God not faithful to His promises?

We can see the implications of trying to develop a theology with this new way of looking at the permanent validity of the Jewish covenant. Either Judaism is one among many religions, and all lead to God, or else it has ‘special status’ and its independence as a separate religion is threatened. Ultimately, both positions lead to an attack on the unique, universal saving action of Christ, and the identity of the Church as a body sent to preach and baptise. It is not by chance that the development of dual covenant theology brings with it a radical re-examination of Christology and ecclesiology.

By looking at revelation, God’s revealing of Himself in history, in a primarily linear way, Christians have to prioritise Judaism in a way which will necessarily jar with *Nostra Ætate*. If we see history as moving from one moment in the *Heilsgeschichte* to the next, with progressive layers and developments in the understanding of the revelation of God, then it would seem that the earlier would be superseded by the later. If it is true that God revealed Himself first as God Almighty to the Patriarchs, and only after by the name of the LORD, should we not think that this later development is a building upon, or development of the history which went before it? This linear view of revelation in no small part gives rise to the theology of supersessionism. The newer revelation, or in normative Christianity it would be

better to say the supreme revelation in Christ, must in some way subsume, or replace, or supersede the older revelation.

This simple version of the relationship between Judaism and Christianity is now rejected by the majority of mainstream Christian communities, and is also viewed with suspicion in certain areas of Catholicism. The toxic theology of supersessionism, with its now automatic connection with anti-Judaism and anti-Semitism, and its association with the denigration of Judaism to the point of non-purpose and non-existence, has meant that any theology upon which its dark shadow falls is automatically rejected and feared.

If we add to this the linear view of a Salvation History, then we are faced with a simple conclusion. And I would contend that this is the conclusion drawn by those working in this field after the Second Vatican Council. If we continue to say that a linear revelation points to its culmination in Christ, and we affirm at the same time that God does not revoke His covenant with the Jews, then it must be the case that the Old Testament covenant is given priority over the revelation in Christ. If the Christian experience does not change or modify, add to or enhance the covenant of God with the Jews, then for one section of people on the earth, it is irrelevant. Although this may not be stated in such bald terms, such is the only conclusion of theologies which stress the continuing salvific reality of the Old Testament covenant, and the practice which eliminates *a priori* the mission to the Jews (even in the most circumscribed terms).

This is the dilemma at the heart of *Nostra Aetate*. The Church promulgated a document which firmly and resolutely places Judaism in the realm of the world religions, but simply could not regard her as one among many. I have to add, that I do not believe that this is really because of sentiment or guilt, but that it is a statement of fact: Judaism is not one among many. *Nostra Aetate* did not face up to this. Any change in language and imagery in the section regarding Judaism was a result of the previous texts which concerned Judaism alone. There simply was not the opportunity to try to tease out the implications of the final declaration. The post conciliar documents did what the Council Fathers had not, and through the brief reference in an allocution by Pope John Paul II, the authors of the later documents grasped at covenant as the means whereby Judaism could be bound to Christianity in a way that was different from the other religions. It is only in 2015, with the promulgation of *Gifts* that we can begin to see the implications for this choice. *Gifts* is quite correct that if the irrevocable covenant is proposed, then there should be no mission to the Jews. That this goes against the entire practice in the history of the Church and the Conciliar documents themselves should alert us to the danger of promoting covenant in such an unthinking way.

The third section of this thesis examined what happens when a systematic theology is written from the explicit basis of the abiding validity of the covenant with Judaism; mission is eschewed, history rewritten, and Christology threatened. Should this come as a surprise to Catholicism? Not really: after all, *Gifts* eschews mission to the Jews, and the version of history which *Gifts* presents is speculative at best and incoherent at worst. The only element missing from *Gifts* is the redefinition of Christology. I have argued that this may only be because of documents of greater magisterial weight, most obviously *Dominus Iesus*, which curtail the logical trajectory of *Gifts*. The inner argument of *Gifts* and the inclusion of normative statements concerning salvation and Christology exist in a tension which is as obvious and great as the tension found in *Nostra Ætate* itself.

Covenant, in its biblical and theological sense cannot bear alone the definition of Judaism. If this is one description of Judaism's identity among many, then covenant functions in the manner in which we find it in its many forms in the Old Testament. But once it is elevated, irrevocably, to being the defining connection between Judaism and Christianity, rescuing Judaism from the morass of the world religions and thus solving the problems created by *Nostra Ætate*, at that moment covenant is doomed to fail.

This thesis has attempted to warn theologians over their reliance on covenant when it is used in this manner. It is not biblical, nor is it conciliar, nor can it carry the weight of Christianity's definition of Judaism. The direction of travel should alert us to the fact that we are on the wrong track. I believe that the problems started with *Nostra Ætate*, but *Gifts* has not helped the situation at all.

3.3 A Modest Proposal

The issue of the relationship of Judaism and Christianity is not new. It is, however, of vital importance both for Judaism and for Christianity's understanding of herself. In many ways we are at a point in history which allows us to do something quite extraordinary. The lack of specific teaching by the Church on Judaism and her relationship with Christianity allows us to propose ideas which can be debated and examined by theologians in the years to come. This is what I have attempted to do in this thesis. I have examined one current trend in the theological concepts used to describe this situation, and I have rejected it for the reasons outlined above. However, as Qoheleth reminds us, there is both a time to pull down, and a time to build up. In what follows, this modest proposal is intended to put forward another version of this most intimate of relationships between the two faiths.

I take as my starting point the positive elements of *Nostra Aetate*. From before the Council, the Fathers were at pains to avoid any charge of anti-Semitism, and although the explicit rejection of this hate-filled concept and practice was late in coming, nonetheless it is now the foundation of the Church's relationship with Judaism. From this comes the rejection of deicide, again not explicit in *Nostra Aetate*, but the reasons for this were explained and accepted. The re-evaluation of groups in first century Judaism, such as the Pharisees, and more widely, the 'Jews' in the Johannine corpus, is consonant with the process begun at the Council. The implications of these basic principles are the rejection of the odious idea that God rejects and punishes a people, then and now, for the actions of a few. Nor is it possible to construct an idea of God which allows Him to be capricious and inconstant in His dealings with His creation. If God, who is Truth, acts against His promises, then He cannot be God as we understand Him. Thus, we can affirm that the 'gifts and calling of God are irrevocable' as they are attested to in the Scriptures whose inerrancy is grounded in the activity of the Holy Spirit and whose interpretation is guarded by the Church.

However, I have no interest in reconstructing a particular version of history against which to paint my modest proposal, as it simply cannot be done – although some may want to argue that even by saying this, I am taking a stand. What we can say, however, is that the pages of the New Testament testify to both conflict without, and self-definition within, the community of the followers of Jesus Christ. Self-definition takes place in relation to those who are closest to us. In trying to understand the resurrection, and absorb and put into practice the teaching of their Master, the early Church knew herself to be something new, something different. I believe that it is a fool's errand to try to make a distinction between the Jew, Jesus of Nazareth, and the 'Christ of Faith'. It simply places an imagined person of two thousand years ago against a reconstructed theological idea. In the context of this thesis, I do not see the point of trying to provide a theological framework for the relationship between Judaism and Christianity which in the process destroys the historical reality and theological description of

Christianity's founder. This early period, and the development of the language and concepts which were used at any given moment, is of course open to historical investigation, but it seems rash to me to propose a version of the past which shakes the foundations of the present – without the saving grace of having concrete facts.

That the Church grew out of the first century Judaism before Christ should be uncontroversial, and we should thank the Council Fathers for expressing it quite so beautifully in *Nostra Aetate* §4. Not only were those involved in this period of the Church related by family and faith, but they all looked to the witness of the actions of God in history as a way of understanding themselves and how to live their lives. In this, the early Christians did not look to mystery religions, nor to pagan cults; God had worked through the history of the Law and the Prophets. Jesus entered the synagogue and began to read – the Scripture was being fulfilled today.

There is no need to rehearse the failure, predominantly from the side of Christianity, to deal with love and charity with the other faith: Christianity to Judaism, Judaism to Christianity. Perhaps, however, this came in part from an inability to place Judaism within the orbit of Christianity in any positive way. If anything, the different ways of trying to describe Judaism in her relationship with the Church, at times bizarre and horrid, give witness to the reality lying behind it, namely that the two were connected in some way, by some bond, and that the fulminations attest to the reality of the relationship. This is by way of getting to the problems which I have tried to outline in this thesis. From the horror and guilt of the Shoah, the Christian churches looked at themselves and their complicity, be it specific or general, and found themselves lacking. It is errant nonsense to claim that the common ground between anti-Semitism and anti-Judaism had nothing to do with millennia of Christian preaching, writing and practice. Of course, the Nazis were not Bishops in jack boots, but the Germans, and all those who knew of and turned their eyes from the Shoah in what we can broadly define as the West, were predominantly Christians. When the Council was announced, there was no call in the Church for a document on the Jews. I have tried to briefly outline above the stages which brought the subject to the Council floor. That the Fathers did not know what to do with the whole issue is plain to see. The perplexity of the centuries was simply replayed.

This was, of course, until Christianity, in the name of the Fathers but under the influence of Paul VI, 'liberated' Judaism from her primary relationship with Christianity, and placed her in the realm of God's benevolent ordering of the world, and the world's religions, to Himself. But Christianity knew that this simply did not describe fully the relationship that Christianity and Judaism had. You cannot cast off someone you have known, for good or ill, for the whole of your life, and not feel the pang, the loss of identity. And so, in rather human way, *Nostra Aetate* set Judaism adrift, but tried, at the same time, to keep her close to herself. "As the sacred synod searches into the mystery of the Church, it remembers

the bond that spiritually ties the people of the New Covenant to Abraham's stock.” *Nostra Aetate* attempted, over and over again, to stress the communality of Judaism and Christianity, for Christianity’s sake, rather than Judaism’s. Christianity’s self-identity, from the very beginnings of her faith, was locked to Judaism. The Church searches into the mystery of herself, and finds the Jews. In light of this, the placing of Judaism in the spheres of the world religions in *Nostra Aetate*, is misguided. Speaking always from the Church’s standpoint, what, to any meaningful extent, does Judaism have to do with Islam, Buddhism, Bahá’i, shamanism, or the Jedi? Inasmuch as they are not Christianity, they are presented, by the structure of *Nostra Aetate*, as logically differing only in degree, and yet we see the systematic definition of Jewish-Catholic relations as being different from any other form of inter-religious dialogue. It is the very constitution of *Nostra Aetate*, placing Judaism and the world religions side by side, which created this problem, this tension.

I would further argue that the concept of ‘covenant’ was, to begin with, a means whereby this connection between Judaism and Christianity could be emphasised, but which soon began to strain under the pressure put on it. There simply was no ‘Old Testament covenant’. There may have been a ‘covenantal’ way in which the Jews understood their relationship with God and the manner in which they tried to live their lives, but, as I have shown in the first section of this thesis, as soon as any serious investigation is made of this idea in the common scriptures that Judaism and Christianity share, we see that the ‘covenant’, as a single referent entity, does not exist – not in the way in which certain theologians wanted it to, anyway. If covenant as an organising principle is the product of Christian Old Testament scholarship at one particular point in the twentieth century, then how could it possibly be the solution to the relationship between Judaism and Christianity? And even worse, once this ill-conceived idea was wrenched from a Papal speech, it was turned into the defining characteristic of the connection between the two faiths. This unwarranted development in covenant theology was an attempt to bind up the needless wound caused by the alignment of Judaism with the world religions in *Nostra Aetate*. Of course covenant was stretched beyond its limits, because it was being used in a way which did not exist in the Scriptures, nor did it encompass Judaism’s relationship with God, nor, for that matter, Christianity’s fundamental self-understanding.

My modest proposal, then begins with banishing all talk of ‘covenant’ as either a defining characteristic of Judaism, as if it were written on the pages of the Old Testament, or as a linking device between Judaism and Christianity. Even if it could have been used at some point to bring light to the relationship between Judaism and Christianity, those days are past, and its use now serves only to cloud the issue. Covenant is truly ill-conceived as a master-concept and it should never have been deployed in a theology of the relationship between Christianity and Judaism. However, in failing to serve the purpose, this use of covenant at least highlights several points. The fact that covenant was used as one of ways in which to reinforce this connection and elevate its status shows us that Judaism’s position to

Christianity is different from any of the other world religions. This should not be contentious except for those who wish to pursue a strict pluralist agenda. By attempting to eschew fulfilment, for fear of lapsing into supersessionism, it seems that the official statements of the Church, especially *Gifts*, have through advancing the covenant and banning mission, simply removed Judaism from its place in *Nostra Aetate*, and enforced a *cordon sanitaire* around *Nostra Aetate* §4 for fear that the infection of non-Christian religions would taint Judaism and change her basic relationship with Christianity.

I propose the redefinition of this Jewish-Christian relationship. I propose that Judaism should no longer be thought of as one of the world religions. Catholicism, after all, has spent the last fifty years trying to devise ways around the inclusion of Judaism by shared heritage, Scriptures, history, even latterly even by Scriptural interpretation and covenant/s.

I propose that Judaism comes to be understood, by Catholic theology, as an element, a part, of the Church, formally and not potentially.

My modest proposition, then, is to reposition Judaism into the Christian theology, mind and sentiment; to reposition Judaism within her boundaries. *Mysterium Ecclesiae perscrutans, Sacra hæc Synodus meminit vinculi, quo populus Novi Testamenti cum stirpe Abrahæ spiritualiter coniunctus est* – ‘as the sacred synod searches into the mystery of the Church, it remembers the bond that spiritually ties the people of the New Covenant to Abraham's stock.’ It is when looking at herself, into herself, that the Church sees the Jewish people. It is not their footprints, nor traces of their faith in dusty books on library shelves, but the real living people that the LORD chose and bound to Himself in many and varied ways. Yes, through the covenants of Adam, Noah, Abraham, David, Moses, but more through the lived reality of the people He has chosen as His own through all ages, and through all trials and tribulations, these are the people whom He showed He would never desert, and whom the Church now recognises with the unrevoked gifts and callings. In this way, with John Paul II, we can say that ‘our two religious communities are connected and closely related at the very level of their respective religious identities.’ This is no longer mere symbolism, but rather, I propose, a reality.

By following this proposal, the various issues that the Council was struggling to give expression to can be reconciled. We have seen above that the position of the *Decretum de Iudaeis* was not certain until the very last moment. At various times during the Council, the *Decretum* was included in *De oecumenismo*, from thence to *De ecclesia*, and finally within *Nostra Aetate*; from ecumenism, to the Church to the world religions. Ecumenism could not incorporate it, as Judaism had not fallen away from a full acceptance of the visible Church. And we have lived with the implications and struggles of defining/not defining Judaism as one religion among many in relation to the Church. Even the post-conciliar department dealing with Catholic Jewish dialogue did not fit into any predefined category. So

what then of placing the *Decretum de Iudaeis* back where it found itself during its brief sojourn in *De ecclesia*? What problems would this solve and what problems would it raise?

Let me turn first to the beneficial results.

First, the positive contributions of *Nostra Aetate* can be upheld and strengthened. If Judaism is incorporated into the Church, then there can be no possibility of discrimination against Jews and Judaism by Christianity, on any level, as it would formally be an act of self-mutilation. This sentiment may have been expressed before, but now it would no longer be a kind phrase, rather it would become a simple statement of fact. Anti-semitism would be anti-Christianity. Neither would there be any lingering trace of 'guilt' in Catholic theology from any historical group within Judaism. Whereas Catholicism continues to point to the historical group at the time of Christ who handed Him over, this could be understood now as an element within the Church, finding its place in the later expression of the Tridentine Catechism, which places the guilt for the crucifixion on all who sin against Christ.

Second, placing Judaism within the Church would undercut the current tension of the relationship between Christianity and Judaism. There would be no need to find loci of connection, be they the historic identification of the first Christians within Judaism, or the common heritage, or even the Old Testament itself. In each of these cases problems arise. First, when stressing the Judaism of Christ, His mother, and the first disciples, there can be a marginalisation of the first Gentile converts and the conversion experiences of Jews to Christianity in the same period. Second, 'common heritage' is a slippery concept; ranging from liturgy, to language, to a 'Judeo-Christian' cultural salvation history. That there is a common history is undoubted; that this amounts to a common heritage is something different. Whereas it can be useful for modern Catholicism to mine the centuries around the Incarnation for a series of concepts and cultural ideas to understand Scripture and thus part of her own history better, is this anything other than a glorified lower criticism? Third, while there can be no argument that Catholicism and Judaism hold the Old Testament/Hebrew Bible in common as a Sacred revealed text, this Scripture does not exist within each religion as an unmediated text. By this I mean that for Christianity, the Old Testament finds its place within the Scriptures of the Gospels and Letters, and within an interpretative ecclesial framework. We will leave to one side the interesting question, which is never really faced by the Church's documents, that there are Churches in full communion with the Catholic Church whose Sacred Scriptures, their Old Testament, contain texts which are present in neither Judaism nor the Latin rite, as defined by the Council of Trent. Similarly, in Judaism, the Hebrew Scriptures, which prioritise the Torah do not include works found within the Catholic Old Testament. Also, these Hebrew Scriptures exists within the framework of the Mishna, with their gemara. The Torah is interpreted according to the external normative Talmud. Simply to state that the Old Testament/Hebrew Scriptures connect Judaism and Christianity does not do justice to the Scriptures'

place in either faith. Ironically it is only through placing Judaism within Christianity that later Rabbinic interpretations of Old Testament texts can truly find their meaning in Catholic understanding. There is no need to explain why the interpretative statements of a faith which developed outside Christianity should have any weight for Christian interpretation, if that faith is part of Christianity. Otherwise, the sharing of a holy text by two separate faiths, each having an inflexible interpretative framework around that text, could serve to show the differences rather than the similarities between the two faiths. If Judaism is a part of Christianity, there is no need to place undue weight on these loci of connection. Rather than being the way in which the two faiths were connected in the past, with a relevance for the present, they would now show that the connection exists as a present day reality.

Third, if the Jews were part of the Church, then the full teaching of *Ad Gentes* could be upheld. That there is a universal mission to all peoples is a cornerstone of Christianity. This is supported and reaffirmed in *Ad Gentes*. The current situation, which is stated in *Gifts*, of no missionary activity towards the Jews, can only exist in mainstream Catholicism as an expedient response to a historical situation. There cannot be *a priori* a non-Christian group who are excluded from mission without a fundamental rewriting of *Ad Gentes*, *Lumen Gentium*, *Nostra Aetate*, and two thousand years of Christian practice. While it is possible for the Church to hold the position that she does not currently wish to engage in missionary activity towards the Jews for pragmatic reasons, their status as people to whom the Good News should be proclaimed must remain constant, unless the Jews become part of the Church. That the current documents propose a situation which in all but name excludes Judaism from the Church's missionary activity, *de facto* if not *de iure*, cannot be upheld as consistent with the history and teaching of the Church. If the current situation comes not only from a sentiment of the horrors of the Shoah but also from a genuine problem with holding the universal mission of the Church on one hand, together with the position of Judaism on the other, then this is solved by my proposal of incorporating Judaism within the Church. The Jews would no longer be within the orbit of the Church's missionary activity. The difference between the Church's encouragement to her own members, of a continual conversion to closeness to Christ, is different from the missionary activity to non-Christians. That this new status of Judaism would involve a new kind of encouragement to a daily conversion of life, should not deter. After all, the Church is still in the process of developing a language and framework for the closer working and growing together of sister churches and ecclesial communities. Just as these churches and groups are not the object of mission, neither, in my modest proposal, would be the Jews. The integrity of the mission and the unwillingness to include Judaism within that mission would be held with no tension. The encouragement to the Jews would be the same as the encouragement to other Christians; to become more perfectly united to Christ, if not in an outwardly observably way, then in the positively willed elements of their own divinely revealed religion. After all, this is, from Christianity's point of view, the defining element of Judaism which distinguishes it from any natural impulse of the human heart towards the divine, or from any spark of divine light found in the world.

Fourth, this whole thesis has been concerned with the development of the concept of ‘covenant’, not merely as a connection between Judaism and Catholicism, but also as a means whereby the Jews may be saved outside the action of Christ. Although the Catholic Church continually argues against this interpretation, the direction of travel is bolstered by a reasonable application of statements such as those found within *Gifts*. Such an idea goes against the explicit teaching of the Church, and is warned against over and over again, but the fact that such a warning has to be given, shows the possible direction of the so-called dual covenant theology. In effect, this is merely ‘pluralism-lite’, trying to limit the extra-christological means of salvation to one specific faith group. This view leaves open the question of keeping Torah in living Jewish communities as a means of salvation, and the observance of Old Testament Law. If the keeping of the covenant brings salvation, then which covenant is being kept, and how is that salvation to be understood? There are many problems with the dual covenant, or pan-covenantal approach. The fourth benefit of my proposal does not locate the process of salvation outside the action of Christ. If Judaism is within the Church, then, necessarily, salvation comes through that same Church, of which the Jews are members, and which is the continuation of the Incarnation. Thus, salvation would correspond to the vision found within Christianity. Articles of faith include the resurrection of the body, the universal judgement, and the reality of Heaven and Hell. If salvation were offered outside the Church, then the salvation to which it points would no longer necessarily refer to the Christian revelation and experience. This fourth benefit removes the contortions brought about by denying a means of salvation outside the activity of Christ, be that by the rather lofty *Christianity manqué*, or the convolutions of a post-death experience of Christ. If Judaism, uniquely, is incorporated into the Church she is therefore saved through the activity of Christ. How this works I will try to address below. Here I merely wish to point out that placing Judaism within Christianity solves the problem of salvifically prioritising Judaism in a way which necessarily leads to a form of pluralism.

Fifth, with my proposal there is no need to define modern-day ‘Judaism’ or ‘the Jews’. This would seem to be counter intuitive, but I would argue that one of the challenges of dialogue has always been the self-selecting nature of the partners involved. It may be that the whole enterprise of dialogue, as a theological endeavour is so essentially Catholic that it is of little or no use to anyone else. By this, I mean that for a dialogue to take place, there must be identifiable partners in dialogue. From the hierarchical nature of Catholicism this is both easy to provide and easy to identify. No individual or group can stand up and enter into formal dialogue unless it is authorised by the authoritative organs of the hierarchical Catholic Church. As Judaism does not have any parallel structure, can we really say that there has been any official dialogue between Judaism and Catholicism? This is not to say that there is not something good and useful which comes from Catholicism engaging in dialogue with a self-selecting group from various Jewish communities, but it necessarily has its limitations because of the nature of Judaism. I have neither the skill nor inclination to enter into the inter-Jewish discussions of

who is and who is not a Jew, nor what constitutes practising/living/being a member of that faith. It is a family discussion to which we Christians are not a party. However, we must acknowledge that there are major differences within Judaism along these lines. Our current practice of dialogue will necessarily include some, and exclude others. As long as we have to categorise Judaism along Catholic lines (a dialogue of one identifiable hierarchy with a series of self-defining others), we will automatically divide Judaism. In my proposal, Judaism incorporates those who are descended from Abraham, and acknowledge the Torah. The people of the Law and the Prophets, with Abraham as their Father, grew and developed into a myriad of beliefs, but their growth and development, I propose, took place within the Church. It is no longer the role of Catholicism to agonise over who will or will not talk to her, of who will respond to her invitation to formal discussions around the dining table, for the Church would contain within herself the Jewish people. There would be no need to send an invitation, for they are there by right, in their own home, sitting in the kitchen, arguing among themselves – as families do. Dialogue *ad extra* is very different from conversation *inter se*.

If these are the benefits of repositioning Judaism within Christianity, then there are obvious difficulties. I shall categorise them under three headings. Though there is much further discussion to be had. I shall pose the three in the form of questions; is such an idea of the inclusion of Judaism within the Church simply too offensive to be considered in the first place? does it go so far beyond the documents and Christian tradition to be inadmissible? and finally, how would such a proposal work?

The first difficulty is the question of offence. We have seen how external influences shaped the formation of *Nostra Aetate*, and we cannot be blind to the way in which such a proposal might be received by specific Jewish groups. Would my proposal not consign Judaism simply to being a defective form of Christianity, with no independent existence? Would this not lead to an extreme form of Israel forgetfulness with all the attendant dangers that such a position brings? Would not well-meaning voices from within and without Judaism cry out that this is simply a theological annihilation of their faith? I do not wish for a moment to deny that such worries and dangers could exist. However, in the proposal outlined above the ongoing vitality and validity of Judaism is necessarily assumed and honoured within Christianity. Instead of leading to Israel forgetfulness, that the role of Israel ended with the Incarnation, the incorporation of Judaism within the Church extends Judaism's role from one which was historical, in classic Christian salvation history, to one which exists as a present reality within her midst. There would be no need to try to construct a role for Judaism within Christianity which guarded against this mechanistic, historical view of history. If Judaism were part of Christianity, then it would be impossible to forget her. The worry that by incorporating Judaism, she would cease to be anything more than a defective form of Christianity denies the insights of *Nostra Aetate*. In honouring the great figures of our faith in pre-Incarnational Judaism, it would simply be offensive to call such ones 'defective'. Abraham, our Father in faith, David, Solomon, Ruth, Esther, the Maccabean martyrs, the Holy Innocents, indeed

all who died before an encounter with Christ are honoured in the Church. All, from ancient to modern Judaism would take their place among and within these holy men and women who responded to God's positively willed divine plan of salvation. That some would find this offensive is undoubtedly true. However, I would say, that this is no reason simply to dismiss it out of hand. What I propose is a different way of looking at Catholic ecclesiology, from a Catholic theological perspective. If it is consonant with Catholic theology, then we need to explain this proposal rather than shy away from putting it forward in the first place. Catholicism necessarily contains within herself teachings and beliefs which are offensive to others; from human life beginning at conception, to the definition of marriage, to the rights of the worker, to the universal desire that all turn to Christ and be saved. Indeed, the centre of Catholicism, namely the reality of the Incarnation leading to the doctrine of the Most Holy Trinity, caused and causes some Jews to level charges of idolatry, of *avodah zarah*, foreign worship, at the Church. Although this is interesting from the Christian perspective, and can be useful to know about in dialogue, the fact that some Jews do not consider Christians monotheists should not unduly concern us. After all, Christianity is in dialogue with Islam, a faith which explicitly rejects the central tenets of Christianity, and arguably views Christianity in a similar way to what I am proposing with regards to Judaism. For Islam, any importance that Christianity possesses is through the later revelation of their own faith. The fact that certain beliefs are offensive to others, does not stop them being true, nor does it lessen the need to proclaim that same truth. It is surely better to proclaim the truth from the beginning than to reveal it half way through any dialogue. I acknowledge that some may find my proposal offensive, but that is not its intention, and even if it is perceived as offensive, that does not stop it being an accurate theological description.

The second difficulty is the extent to which this proposal is a departure from Catholic theology. It is clear that what I am proposing is innovative. However, as I have outlined above, the idea of placing Judaism within the Church is not without precedence. My starting point comes from *Nostra Ætate* itself, and we cannot dismiss the idea simply because it does not have a fully formed theology surrounding it. Here, the precedent comes not only from the formation of the document which would finally become *Nostra Ætate*, but also *Nostra Ætate* itself and the novelty of a document concerned with Judaism. We can say that it is as much a novelty to classify Judaism as part of the Church as it is to have lumped Judaism together with non-Christian religions. That was the novelty wrought in the final days of the formation of *Nostra Ætate* under the influence of *Ecclesiam Suam*. The fact that *Decretum de Iudaeis* developed in the context of *De oecumenismo* during the Council, shows that it was perfectly possible to consider Judaism primarily from the Church's self-identity rather than from any other standpoint. I reiterate, the true novelty is that Judaism was considered at all, not where that enterprise was done, or where it finally ended up. Reorientating Judaism to within Christianity could organically grow as much from *Nostra Ætate* as much as could *Gifts*. If my proposal is novel, then how much more so is *Gifts*? As stated above, it seems to me that viewing Judaism as a version of Christianity reinforces the overall

teaching of *Ad Gentes* and *Lumen Gentium* rather than putting mission at odds with the plain texts of the Council and the witness of the ages.

The question of how this modest proposal would work theologically, however, brings with it the greatest difficulty. Although I have presented this reposition of Judaism to within the Church as a modest proposal, and have also stressed that there is no sustained investigation here of its implications, I nonetheless would be derelict in my duty if I did not expand a little on some of the issues which come from such a proposal.

There are a number of difficulties at play here. At base is the question of how the Jews, as a people bound by a faith identity, can be incorporated into the Church without baptism, or indeed the desire for baptism. I discount the argument of invincible ignorance as this can only really be applied on an individual basis. A stable state of invincible ignorance for a group of people for two thousand years would be difficult to establish, and would always be contingent, for a 'proper' preaching of the Gospel could theoretically occur at any time. That baptism is necessary for inclusion into the Church is a given. How, then can I propose the inclusion of the Jews into the formal identity of the Church without any desire or action on their part? To lay the foundations, I would first say that this proposal must necessarily be limited to Judaism, or else such a proposition would be open to all religions. Second, it must leave as normative the Church's teaching of the necessity of baptism, and the Church, for salvation.

As a way forward I wish to consider again the Saints of the Old Testament. In no way can they have been baptised, and yet as we believe that they are in Heaven (there are Masses in their honour), they must have been saved through the action of Christ who was yet to come. The traditional explanation of this is the harrowing of Hell, but this distinguishes the action of Christ in and out of time in an unsatisfactory way. The harrowing of Hell takes place in the normal sequence of time. As Christ dies, He descends to the underworld, and while there, preaches to the righteous who died before His coming, and leads them forth to Heaven. On one level, this chimes with our own experience of time as we can understand that this activity takes place during the days between the death and resurrection of Christ. And yet, of course, what the harrowing of Hell describes is far beyond our experience. Those who await the Lord in the *limbus patrum* are no longer 'in time' as we experience it. The human being does not know what it is to be Adam and Eve waiting for thousands upon thousands of years for the coming of the Son of God; in a limbo, in a place of inactivity and passivity. The harrowing, then, takes place in our experience of time, the hours and days when he was in the underworld, but beyond our experience, in the limbo of the underworld. This teaching is problematic. It allows, in a mechanistic way, for the salvation of those righteous who yearned for Christ before the Incarnation, but while it seems a generous and gracious response, it is also strangely closed and limited. Having broken the human experience of time and space by descending to the underworld, in this description of the harrowing of Hell, Christ

limits Himself to addressing only those who have gone before Him. But what is the cut off point? Is it the Incarnation? Or is it the death of Christ on the cross, i.e. this specific moment in sequential time? Is this limbo open to those who did not meet Christ geographically; the holy of the Russian steppes who yearned for the coming of Christ in the secret of their heart? And if the opening of the gates of the *limbus patrum* is time limited, what of the good Jew, living in accordance with the law in Babylon, who died only a moment after the resurrection? If this reliance on the harrowing of Hell in a mechanistic manner is problematic, let us move from this idea and let us rather ask how the just, who died before an encounter with Christ, are incorporated into the Church.

The nature of the Incarnation means that there will be people in different times and places who do not come into contact with either Jesus, or the Church which is His continuation. Whereas individuals acting in accord with the good which God has implanted in their heart, responding to the impulse of natural theology, may attain salvation through the teaching of invincible ignorance, something more is supposed for pre-Incarnational Judaism. After all, the Jews in the pages of the Old Testament were not acting according to the natural law written on their hearts – they were acting in accord with the positive divine revelation of the will of Almighty God, the God of their Fathers. Nor were they acting as individuals but as the *qahal*, the *ecclesia*, those who had been called out from the nations to be the ones whom God had made His own. The Jewish people are constituted by being called and formed into the people to whom God is faithful. But for both Christianity and Judaism this being called is a process, it is not a static state. For Christianity, this finds its meaning and culmination in the coming of the Incarnation, and Christ's saving action. Judaism is positively willed by God, not as a means to salvation in itself, but pointing towards Christ. The truth of Judaism, then, participates in the reality which will come in Christ. In such a way, Judaism may be likened to a sacrament. Torah, sacrifice, life and customs, all participate in that to which they point. In the same way that the substance and the accidents of the sacraments cannot be divided without the destruction of the reality in which they participate, so the accidents of Judaism, which continue to this day, mediated even through their Talmudic interpretations, participate in the reality of the Incarnation. That reality is the body of Christ, the Church. Judaism, then, by its very identity as being called by God, participates in the body of Christ, the Church. Inasmuch as the Church is necessary for salvation, the Jews are part of that reality of that call from Abraham onwards. Baptism is the outward sign of the configuration of the soul to the reality of the new creation in Christ. If Judaism is part of the Church, then she already, in her sacramentality, possesses that reality. The necessity of baptism for salvation is the sacramental incorporation into the body of Christ, the Church; it is the configuring of the soul to Christ, the reception of the Holy Spirit, and the adoption as a child of God. In my proposal, Judaism sacramentally participates in the Church through the fidelity of God attested to in the ancient Scriptures. As the sacrament of baptism points to, and participates in, a greater reality, that greater reality can be attained even though the external sacramental signs are not present. Such is the case through the baptism of blood, where the desire of the individual

for baptism and the giving of their life, supplies the sacraments, and such is the case to an even greater extent in the massacre of the Holy Innocents, where no such voluntary desire could have been present. This greater reality, then, the incorporation into Christ's body, is effected through the sacramentality of Judaism.

How the individual Jew is faithful to this is at once an interesting question and one which is, in some sense, confused. It cannot be that they must keep the Torah, for the Torah is not clear and the sacrificial cult is not applicable. So, to be a member of this sacramental people, should the Jews should be faithful to the Mishna? If so, to which interpretation? There is no consensus within Judaism, and it is not the place of Christianity to enter the fray. Inasmuch as the ancient Scriptures attest to God calling the Jews to ethical and liturgical standards, judging and punishing them if they fell short, and yet still being faithful, 'for the gifts and calling of God are irrevocable', it is not only beyond the scope of this modest proposal, I would suggest that it is beyond the scope of reason, to divine the exact criteria for God's fidelity to His people.

If, as I have outlined, Judaism participates in Christianity, then the image of salvation to which that expression of the faith points is the life of Heaven. So, let us try to address the question of the Second Coming, which we often encounter when a resolution of the relationship between Christianity and Judaism is placed in the eschaton. I wish to resist strongly the idea that there will be an eschatological moment when eyes are opened and something new, or some new revelation, is realised. If this 'Messiah to come', whom both the Christians and Jews will recognise, is one single person, then He either makes the Jews into Christians *manqués*, with the concomitant smug satisfaction of Christians who knew they had been right all along, or runs the risk of splitting the connection between the first and second comings of Christ. If the second coming is recognisably the same as the first, then the Christian will expect the Jew to see what their forefathers did not see in the time of the Incarnation. If the second coming is something which Christians and Jews experience together, then what is its connection with the Incarnation? It may be that it was only after the breaking of bread on the road to Emmaus that the disciples recognised the risen Lord, but they did recognise Him as the one who had gone about among them. If the coming Messiah is to be recognised by both Jews and Christians then for Christians to recognise Him as Christ, the question remains how He would fulfil Jewish expectations. Indeed, if Judaism participating in Christianity is based simply on the Second Coming, then we are faced with a myriad of new questions; who is the Messiah to the Jews? is His importance He Himself, or is it the reign of God which He is to usher in? is there one Messiah, or many? and fundamentally why are Christians fixated on finding their Messiah in Judaism? Participation in the Church cannot then be predicated on believing that we have all been wrong all along. Judaism being a part of the Church cannot involve a new revelation for the Jews at the eschaton. Inasmuch as for the Christian the reality of the life of Heaven is both beyond the imagination, and yet is grounded in the types and shadows of that

same heavenly reality which exist here on earth, so the same is true for Judaism. Within the Church, as members of the body of Christ, Catholicism will see in her own rites and ethical norms the two stages to perfection; first in the Church, and then in the true life and reality which is the destiny for God's creation: heaven. For Judaism within the Church, this would be the same. The divinely willed nature of her faith participates in Christ, of whom she is sacramentally a part. This would be in the same manner as the Church currently sacramentally participates in the life of Heaven. Once the reality to which the sacrament points is seen, there is no need of further revelation. Thus, there is no need for a separate, new revelation to the Jews, if now they sacramentally participate in Christ, as members of His body, the Church.

This preserves the integrity of Judaism, and at the same time protects her unique position and role. For while it is theologically difficult to understand how a faith, no matter how important it be in God's plan of salvation, which is outside Christianity, could critique the life and witness of the Church (which is currently proposed for post-resurrection Judaism), it is easy to see how Judaism, as an integral part of the Church, would feed the life, liturgy, ethics and witness of the wider Church, of which she was a part. Judaism's 'role', is to build up the body of Christ, the Church, the Sacrament of Salvation.

I know that a full exposition of this proposal is a thesis in itself, but it is one which, in my opinion, should be undertaken. The alternative, as it is currently put forward, is unsatisfactory to both Judaism and Christianity. This modest proposal seeks to understand the basic questions of Christianity when faced with Judaism. I hope that it provides a starting point for a discussion which will enrich the Church and her understanding of herself. I hope that as she looks at herself, the Church will continue to see the Jews, and perhaps, who knows, she may see them as an integral part of her very self.

The inclusion of Judaism within the Church may itself turn out to be an ill-conceived concept stretched beyond its limits. But it is one which is offered in the spirit of mutual lovingkindness.

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